

12 November 2018

Alan Nix
1401 Densmore Circle
Mount Pleasant, SC 29466

RECEIVED
NOV 15 2018
SC Court of Appeals

Office of Court Administration
1220 Senate Ste., Ste. 201
Columbia, SC 29201

Re: SC Court of Appeals letter dated 2 November 2018, Court Transcripts correction
Case Numbers: 2014-CP-10-05407 / 2017-CP-10-04031
Appellate Case numbers: 2018-000056 / 2018-000174

Office of Court Administration.

On 27 August 2018, Ms. Smith informed me that it was my responsibility to provide her with a list of errors in the transcripts that required correction. At the same time, she informed me that she, and apparently other members of the Charleston County Master in Equity Court, had been informed not to speak directly with me, only through their attorneys, apparently the Charleston County Attorneys located at 4550 Bridge View Dr., North Charleston. At some point between 0900 on 27 August 2018 and 1455 on 29 August 2018, Judge Scarborough filed an incident report against me with the Charleston County Sheriff's Department. Incident number 2018-014013. Shortly thereafter on 29 August 2018, while attempting to retrieve a transcript from Ms. Smith / Sandlapper Reporting, LLC at the Charleston County Court House, apparently the incident report filed by Judge Scarborough sometime during the previous two and a half days resulted in a quite awkward encounter between myself and the Charleston County Sheriff's Dept.

Given the above situation, and obviously wanting to minimize to the greatest extent possible the likelihood of a similar situation occurring, I sent Ms. Smith / Sandlapper Reporting, LLC the enclosed letter dated 17 September 2018, which the Office of Court Administration was copied on.

Since the time of the letter, despite numerous attempts to request the steno notes and audio recordings of the hearings specified in the letter of 17 September 2018 through the Charleston County Attorneys, trying to respect Ms. Smith's / Sandlapper Reporting LLC's direction from 27 August 2018, the Charleston County Attorneys have not responded at all, in any manner. Ironically, on Monday, 5 Nov 2018, before I had received the SC Court of Appeals letter dated 2 November 2018 raising these issues, I attempted to get Judge Scarborough to sign a subpoena to obtain the requested steno notes and audio recordings. This extra step was required because of Judge Scarborough's Order dated 1 December 2017 requiring me to obtain an attorney's signature before I engaged in any further discovery or issued any other subpoenas related to cases 2014-CP-10-05407 and 2017-CP-10-04031 and/or the pending Lis Pendens associated with those two cases. Given Judge Scarborough refused to sign the subpoenas, I

filed an emergency motion on 7 November 2018 requesting an immediate injunction against Judge Scarborough's order of 1 December 2017 so that I may serve a subpoena on Charleston County / Judge Scarborough / Ms. Smith / Sandlapper Reporting LLC to compel the production of the steno notes and audio recordings requested almost two months ago at this point. Obviously, Ms. Smith / Sandlapper Reporting LLC is capable of utilizing those two assets, and likely even more, to review and correct the subject transcripts if they so choose, but it seems relatively unwise for me to attempt to remember each detail perfectly when such assets obviously exist or should exist.

Consequently, I anticipate at this time a subpoena will be served upon all appropriate parties for the previously requested steno notes and audio recordings by 16 November 2018. Given the parties will have up to fifteen days to comply or object, clearly it is likely to be 3 December 2018 before I / we know what to expect related to beginning the required review process to properly and accurately provide Ms. Smith / Sandlapper Reporting LLC corrections necessary for her to make to the subject transcripts.

To specifically address the issues the SC Court of Appeals raised in their letter of 2 November 2018, 1) I do not know, nor has Ms. Smith / Sandlapper Reporting LLC communicated directly with me, or through their apparent legal counsel, if she has requested an extension or if she has, if an extension has been granted. 2) by way of this letter, I am certifying to all that I have not received any of the requested corrected transcripts nor been provided the prerequisite information (steno notes / audio recordings) to review subject transcripts to provide to Ms. Smith / Sandlapper Reporting LLC the required corrections necessary to produce the corrected transcripts. 3) an initial brief will not be produced until the transcript issues are completely and properly resolved.

Clearly, Charleston County's, Ms. Smith's / Sandlapper Reporting LLC's apparently intentional delay in this matter has prejudiced the defendant / Appellant's ability to properly raise basic issues related to these matters, and further compounded by Judge Scarborough's improper order of 1 December 2017 and subsequent refusal to utilize the inherent power of the court to mitigate the damages directly caused by his 1 December 2017 order. This type of conduct, especially when taken within the overall context of the numerous other examples of similar highly concerning conduct since early 2016, only continues to raise the specter of improper conduct by the court, for equally questionable purposes.

Defendant / Appellant requests the Office of Court Administration to take a more proactive role in this matter.

Best regards,



Alan Nix

cc.
Sandlapper Reporting, LLC
c/o Christine Smith
P.O. Box 30276
Charleston, SC 29417

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Law Office of Todd Musheff
1121 Park West Blvd., Ste. B 171
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Judge Scarborough
Master in Equity, Charleston County
100 Broad St., Ste. 266
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17 September 2018

Alan Nix
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RECEIVED
SEP 20 2018
SC Court of Appeals

Sandlapper Reporting, LLC
c/o Christine Smith
P.O. Box 30276
Charleston, SC 29417

Re: Review request for audio recordings and steno notes
Case Numbers: 2014-CP-10-05407 / 2017-CP-10-04031

Ms. Smith,

Given my understanding from August 27, 2018 that it is my responsibility to provide you with the required changes / areas of concern related to the transcripts for the above two cases, I am submitting this request to review the audio recordings and steno notes for all hearings beginning with the hearing on December 1, 2015.

If it is more convenient for you and would assist in expediting the review and correction process, I would recommend starting with the hearings of December 1, 2015, December 21, 2016, August 7, 2017 and September 26, 2017. If you could provide these four for the first review that would allow me to complete a review of these four while you are preparing the remainder for my review and creation of a consolidated list of corrections related to the current status of the transcripts.

Below is a list of hearings I am tracking between Dec 1, 2015 and the present. If you have a different accounting, please let me know soonest.

1. 1 Dec 2015
2. 21 Mar 2016
3. 6 July 2016
4. 4 May 2017
5. 7 Aug 2017
6. 18 Sep 2017
7. 25 Sep 2017
8. 26 Sep 2017
9. 29 Nov 2017
10. 30 May 2018
11. 27 Aug 2018

12. 4 Sep 2018

Several of these transcripts contain known concerns beyond just the ongoing case number issue starting with the August 7, 2017 transcript. The audio recordings will allow me to provide you the exact differences between the transcripts and the actual language from the hearings. Also, please let me know who you have provided copies of these transcripts to since they were first produced for me.

Also enclosed is the original transcript from May 4, 2017 as well as a check in the amount of \$100 for the September 4, 2018 transcript.

Best regards,



Alan Nix

cc.

Judge Scarborough
Master in Equity, Charleston County
100 Broad St., Ste. 266
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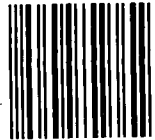
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