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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

Walton J. McLeod, IV, Circuit Court Judge

Appellate Case Number.: 2018-002236

Case No. 2016-CP-32-00950

RECEIVED  
JAN 16 2019  
SC Court of Appeals

Amy S. Davis, as Personal Representative of the Estate of  
Utricia Shealy, deceased, .....Respondent,

v.

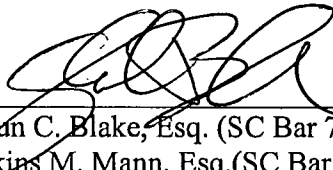
Agape Nursing Rehabilitation Center, Inc., Agape Management Services, Inc., John Doe,  
Richard Roe Corporation, Jane Doe, and Mary Doe Corporation, ..... Defendants

Of which Agape Nursing Rehabilitation Center, Inc. and Agape Management Services,  
Inc., are the ..... Appellants.

**MOTION FOR EXTENSION OF TIME**

Pursuant to Rule 240, SCACR, Agape Nursing & Rehabilitation Center, Inc., and  
Agape Management Services, Inc. (“Appellants”), hereby request time to submit proof of  
Appellants’ ordering the transcript pursuant to Rule 207, SCACR. The grounds for this  
Motion appear in the Affidavit of Matthew Tyler Koester filed together with this Motion.  
As stated in the Affidavit, Appellants notified Court Reporter Bethanie K. Creppon on  
December 20, 2018, the day following the filing of the Notice of Appeal in this case, of  
their order of the transcript from the underlying trial. Likely due to the holidays, Appellants  
had a difficult time reach in reaching Ms. Creppon to make “satisfactory arrangements

(including agreement regarding payment for the transcript)” as required by Rule 207(a) and within the time stated therein. Appellants have since issued full payment to Ms. Creppon, who anticipates that she will be able to prepare the transcript in sixty (60) days or less. Given the circumstances surrounding Appellants’ efforts to make satisfactory arrangements to order the transcript from Ms. Creppon, as well as the absence of any material prejudice in extending the time for providing written notice of the request for the transcript from Ms. Creppon, Appellants hereby respectfully request leave for additional time to file the enclosed written proof of request for transcript under Rule 207, SCACR.



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Shaun C. Blake, Esq. (SC Bar 76349)  
Jenkins M. Mann, Esq. (SC Bar 74894)  
ROGERS LEWIS JACKSON MANN & QUINN, LLC  
1901 Main Street, Suite 1200  
Columbia, SC 29201  
Tel: 803-256-1268

January 16, 2019

Attorneys for the Appellants

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

JAN 16 2019

Walton J. McLeod, IV, Circuit Court Judge SC Court of Appeals

Case No. 2016-CP-32 00950  
Appellate Case Number.: 2018-002236

Amy S. Davis, as Personal Representative of the Estate of  
Utricia Shealy, deceased, .....Respondent,


v.

Agape Nursing & Rehabilitation Center, Inc., and Agape Management  
Services, Inc., ..... Appellants.

**PROOF OF SERVICE**

I certify that I have served a copy of the Motion for Extension of Time to Order Transcript on Respondent Amy S. Davis, as Personal Representative of the Estate of Utricia Shealy, deceased, causing a copy of same to be deposited in the United States mail, postage prepaid, on January 16, 2019, addressed to the following:

C. Caleb Connor, Esq.  
A. Keith McAlister, Jr., Esq.  
Kenneth L. Connor, Esq.  
CONNOR & CONNOR, LLC  
302 Park Avenue, SE  
Aiken, South Carolina 29801  
Tel: 803-226-0543

  
Shaun C. Blake, Esq. (SC Bar 76349)  
Jenkins M. Mann, Esq. (SC Bar 74894)  
ROGERS LEWIS JACKSON MANN & QUINN, LLC  
1901 Main Street, Suite 1200

Columbia, SC 29201  
Tel: 803-256-1268  
Attorneys for the Appellant

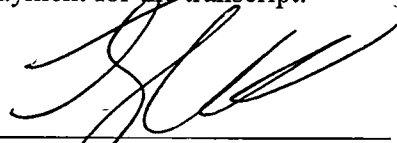
January 16, 2019

### Affidavit of Matthew Tyler Koester

The Affiant, after having first being duly sworn, deposes and states as follows:

1. My name is Matthew Tyler Koester. I am over the age of 18, and I give this affidavit based on my own personal knowledge.
2. I am a paralegal employed by Rogers Lewis Jackson Mann & Quinn, LLC, the law firm that represents the appellants in Appellate Case No. 2018-002236.
3. The Notice of Appeal in Appellate Case No. 2018-002236 was filed in this case on December 19, 2018.
4. On December 20, 2018, I contacted South Carolina Court Administration to obtain the name and telephone number for the court reporter in attendance at the trial of this case, Bethanie K. Creppon.
5. I called and left Ms. Creppon a message on December 20, 2018, advising her that I would like to speak with her regarding the total fee for ordering a copy of the transcript in this case and seeking instructions on her requirements for payment.
6. I did not receive a return call from Ms. Creppon. Therefore, I contacted South Carolina Court Administration on December 27, 2018 in order to obtain additional means of contacting Ms. Creppon. I was unable to reach anyone by phone at South Carolina Court Administration, and so I left a voice message seeking the means to contact Ms. Creppon in writing.
7. I did not receive any return communication from South Carolina Court Administration, again likely due to the holidays. I was first able to reach a person by phone at South Carolina Court Administration on January 3, 2019, and I obtained Ms. Creppon's email address. I promptly wrote her the email that is attached hereto as Exhibit 1 requesting the transcript and the associated costs.
8. On January 4, 2018, Ms. Creppon responded to my written request for the transcript by the email that is attached indicating that she required pre-payment of a sum from a source other than our client's check in order to obtain the transcript. I was unclear on how to proceed to obtain the transcript, both because (1) the amount requested by Ms. Creppon was unclear in her email and (2) because our engagement with the client requires direct payment by the client of costs exceeding \$1,000.00, and Ms. Creppon would not accept the client's direct payment by check.
9. Shaun C. Blake, the attorney handling the appeal in our office, left our office on January 4, 2019, ill with the flu before I received Ms. Creppon's email, and he remained out of the office on January 7, 2019, due to his illness. Therefore, I was unable to promptly consult with him on how to resolve Ms. Creppon's request for payment until his return to work.

10. Once I obtained instructions on how to proceed in response to Ms. Creppon's request, I obtained the funds necessary to provide the highest of the three (3) amounts of payment requested by Ms. Creppon, \$3,235.50, and I provided the letter to Ms. Creppon attached hereto as Exhibit 2 providing full pre-payment for the transcript.



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Matthew Tyler Koester

Sworn and subscribed before me  
on January 16, 2019

Pamela Baker  
Notary Public for South Carolina  
My Commission Expires: 4-1-2024

# ROGERS LEWIS

ATTORNEYS AT LAW

Shaun C. Blake, Esq.  
Direct: (803) 978-1965  
sblake@rogerslewis.com

January 16, 2019

RECEIVED

JAN 16 2019

SC Court of Appeals

**Via Hand Delivery**

Ms. Jenny Abbott Kitchings  
Clerk of Court – South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

Re: Amy S. Davis, as Personal Representative of the Estate of Utricia Shealy, v.  
Agape Nursing & Rehabilitation Center, Inc., and Agape Management Services,  
Inc.  
Appellate Case Number.: 2018-002236

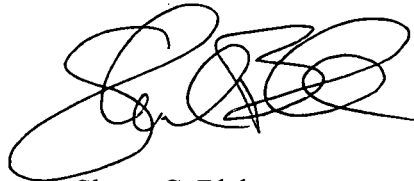
Dear Madam Clerk:

Enclosed please find an original and six (6) copies of Agape Nursing & Rehabilitation Center, Inc. and Agape Management Services, Inc.'s Motion for Extension of Time to Order Transcript in this matter, together with the Proof of Service and the \$50 filing fee. Please return a stamped copy to my staff that is delivering this letter.

By copy of this letter, and I serving the same upon counsel for the Respondent, Amy S. Davis as Personal Representative of the Estate of Utricia Shealy. Please let me know if you have any questions or concerns.

With highest professional regards, I am

Sincerely,



Shaun C. Blake

cc:

C. Caleb Connor, Esq.  
A. Keith McAlister, Jr., Esq..  
CONNOR & CONNOR, LLC  
302 Park Avenue, SE  
Aiken, South Carolina 29801

✓

## Tyler Koester

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**From:** Tyler Koester  
**Sent:** Thursday, January 03, 2019 3:18 PM  
**To:** 'bcreppon@sccourts.org'  
**Subject:** TRial Transcript for Oct 22, 2018 Trial Judge Mcleod

Good Afternoon,

Our office needs to request the trial transcript from the trial held on the week of October 22, 2018 in Lexington County in front of Judge Mcleod. (U. Shealy, PR Amy Davis- V. Agape Nursing, Agape Management et al.)

Please let me know the fee associated with this transcript so we may get that to you as soon as possible. Let me know if you need any further information.

Thanks,

M. Tyler Koester  
Paralegal  
[tkoester@rogerslewis.com](mailto:tkoester@rogerslewis.com)  
Direct: (803) 978-1972

## ROGERS LEWIS

ATTORNEYS AT LAW

1901 Main Street Suite 1200  
P.O. Box 11803 (29211)  
Columbia, SC 29201  
Office: (803)256-1268  
Fax: (803) 252-3653

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## Tyler Koester

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**From:** Creppon, Bethanie <bcreppon@sccourts.org>  
**Sent:** Friday, January 04, 2019 2:48 PM  
**To:** Tyler Koester  
**Subject:** Re: TRial Transcript for Oct 22, 2018 Trial Judge Mcleod  
**Attachments:** image001.jpg

Dear Mr. Koester,

I have received your e-mail dated January 3, 2019, wherein you request the Transcript of Record in the case of Shealy vs. Agape. Upon review of my notes I estimate the transcript will be approximately 750 pages long for an estimated cost of \$3,195.50, which includes postage and handling. An electronic copy can also be furnished with any official transcript order for an additional \$40.00, which would total \$3,235.50. I will waive the electronic copy fee and, of course, postage and handling if you would like only an electronic copy, making the total \$3,187.50

If the transcript is smaller than estimated, I will certainly refund your money. Likewise, if it is larger than my estimation, I will either call or write you to let you know of the balance owed before providing you with the transcript.

It is necessary that I receive payment before producing the transcript in the form of a cashier's check, money order, or law firm check made payable to Bethanie Creppon. I cannot accept a personal check from your client. Upon receipt of the funds I will place your transcript in line for production. By statute, I am allowed 60 days to complete the transcript. If a longer period is needed, I will request an extension and you will be informed by Court Administration, however, I do not believe that will be necessary, nor do I anticipate that it will take the full 60 days to complete the transcript.

Thank you in advance for your payment, and I look forward to hearing from you.

Bethanie K. Creppon  
Circuit Court Reporter to  
The Honorable Walton J. McLeod, IV  
PO Box 85411  
Lexington, SC 29073

---

**From:** Tyler Koester <tkoester@rogerslewis.com>  
**Sent:** Thursday, January 3, 2019 3:18 PM  
**To:** Creppon, Bethanie  
**Subject:** TRial Transcript for Oct 22, 2018 Trial Judge Mcleod

Good Afternoon,

Our office needs to request the trial transcript from the trial held on the week of October 22, 2018 in Lexington County in front of Judge Mcleod. (U. Shealy, PR Amy Davis- V. Agape Nursing, Agape Management et al.)

Please let me know the fee associated with this transcript so we may get that to you as soon as possible. Let me know if you need any further information.

Thanks,

M. Tyler Koester  
Paralegal  
tkoester@rogerslewis.com<mailto:tkoester@rogerslewis.com>  
Direct: (803) 978-1972

[RogersLewisD51bR02aP01ZL-Coolidge2a]<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_www.rogerslewis.com\\_&d=DwMFAG&c=YGvVmrQQ6VQOFx3Z93C9uQ&r=-xLCKcREFYQ7IhEOIFrOsQdE7wdlp7NePn\\_jwMvHJY&m=eG3ROVDgfgjD6F7oDQuoNSC9uq6mLVElokFKiHu5m4M&s=RO8qFg005-IniN4Ct32MV-JiLx7k-hQulITWorEBvQY&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.rogerslewis.com_&d=DwMFAG&c=YGvVmrQQ6VQOFx3Z93C9uQ&r=-xLCKcREFYQ7IhEOIFrOsQdE7wdlp7NePn_jwMvHJY&m=eG3ROVDgfgjD6F7oDQuoNSC9uq6mLVElokFKiHu5m4M&s=RO8qFg005-IniN4Ct32MV-JiLx7k-hQulITWorEBvQY&e=>)>  
1901 Main Street Suite 1200  
P.O. Box 11803 (29211)  
Columbia, SC 29201  
Office: (803)256-1268  
Fax: (803) 252-3653

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# ROGERS LEWIS

ATTORNEYS AT LAW

M. Tyler Koester, Paralegal  
Direct: (803) 978-1972  
tkoester@rogerslewis.com

January 14, 2019

**Via US Mail**

Bethanie K. Creppon  
Circuit Court Reporter to  
The Honorable Walton J. McLeod, IV  
PO Box 85411  
Lexington, SC 29073

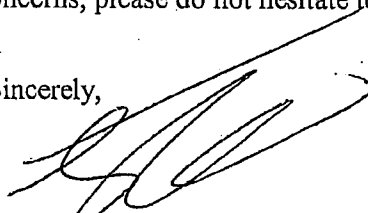
Re: Amy S. Davis, as Personal Representative of the Estate of Utricia Shealy,  
v. Agape Nursing & Rehabilitation Center, Inc., and Agape Management  
Services, Inc.  
Case No. 2016-CP-32-00950  
Appellate Case No.: 2018-002236

Dear Ms. Creppon:

I hope you are doing well. Per our email correspondence, please find enclosed a check in the amount of \$3,235.50 to cover the cost of acquiring the transcript from the October 22 - 26, 2019 Trial in front of the Honorable Judge McLeod.

If you have any questions or concerns, please do not hesitate to contact our office.

Sincerely,



M. Tyler Koester, Paralegal  
Rogers Lewis Jackson Mann & Quinn, LLC

Enclosures:

- 1) Ms. Jenny Abbott Kitchings  
Clerk of Court – South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201
- 2) Office of Court Administrator  
1015 Sumter Street, Suite 200  
Columbia, SC 29201

1901 Main Street, Suite 1200, Columbia, SC 29201 • P.O. Box 11803 (29211)  
Office: (803) 256-1268 • Fax: (803) 252-3653 • www.rogerslewis.com

Appellants Motion For Extension of Time 008

3) C. Caleb Connor, Esq.  
A. Keith McAlister, Jr., Esq.  
Kenneth L. Connor, Esq.  
CONNOR & CONNOR, LLC  
302 Park Avenue, SE  
Aiken, South Carolina 29801