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February 7, 2019

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FEB 11 2019

SC Court of Appeals

Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

Re: *5Star Life Insurance Co. v. Peek Performance, Inc.*
Appellate Case No. 2018-002114
Civil Action No. 2018-CP-23-01639
Our File No. 049288/01501

Dear Ms. Kitchings:

I represent 5Star Life Insurance Co. ("5Star"), the appellant in this matter. This letter is in response to the Court's letter dated February 1, 2019, which requests an update on the status of the transcript, and which advises 5Star that the Court believes the time for receiving the transcript has expired. As set forth in more detail below, we have inquired into this matter and were informed by the Office of Court Administration that the deadline for completion of the transcript is February 18, 2019. The court reporter has stated she will meet or beat this deadline.

The chronology pertaining to ordering and receipt of the transcript commenced when 5Star filed its Notice of Appeal on November 28, 2018. Shortly thereafter, 5Star timely requested a copy of the transcript from the court reporter, Ms. April Herron. In that request, pursuant to Rule 607 of the South Carolina Rules of Appellate Procedure, 5Star agreed to pay the costs associated with this transcript. The court reporter responded on December 11, 2018, providing the amount due for the transcript and requiring advance payment. My firm promptly cut and sent a check for the amount due, which the court reporter has stated she received on December 18, 2018.

My office subsequently communicated with the court reporter and Court Administration about the status of this transcript. The court reporter advised us she believed the transcript deadline is February 18, 2018, which is 60 days after the date she received payment. 5Star subsequently verified this calculation and deadline with Court

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Administration, which stated that pursuant to the South Carolina Court Reporter Manual (page 22, paragraph 2), when a court reporter "require[s] advance payment, the due date will be 60 days after payment is received by the court reporter."

Therefore, based upon information provided by both the court reporter and Court Administration, we believe the deadline for completion of the transcript to be February 18, 2018. Ms. Herron has advised my office that she expects the transcript will be complete by this date.

Please let me know if you need any further information.

Very truly yours,

A handwritten signature in black ink, appearing to read "William S. Brown", with a long horizontal flourish extending to the right.

William S. Brown

cc: James G. Carpenter, Esq.
Beattie B. Ashmore, Esq.
Adam C. Bach, Esq.
Office of Court Administration

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Attention: William S. Brown

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