

THE SOUTH CAROLINA COURT OF APPEALS

Tymika Jones Alston, et. al., Appellants

v.

Donald Richard Torres, et. al., Respondent

RECEIVED
MAR 08 2019
SC Court of Appeals

Appellate Case No. 2019-000148

The Honorable W. Jeffrey Young
Richland County

Trial Court Case No. 2012CP400689R

Motion to File Transcript Outside of Deadlines of Rule 207

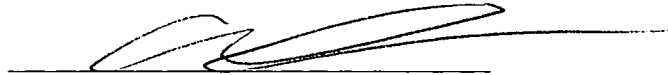
Comes now Appellants, by and through the undersigned counsel, and respectfully moves to file Transcript Outside of Deadlines of Rule 207 the South Carolina Appellate Rules. In support of this motion, Appellant states as follows:

1. This amended action was timely filed on February 13, 2019 after the final order of dismissal was filed on January 15, 2019.
2. The original proceeding in this action which dismissed the case on Summary Judgment took place on November 2, 2015. As Judge Young retired prior to Appellant's Motion for Reconsideration being heard, Judge Robert Hood assigned Judge Jocelyn Newman to hear Appellant's Motion for Reconsideration. This Motion was dismissed summarily so their was no transcript of a hearing in connection with the Motion for Reconsideration.
3. On February 21, 2019, the Clerk's Office indicated that this action would be dismissed without a showing that the Transcript had been ordered by Appellants and unless proof of the ordering of the transcript would be accompanied by a Motion to Order the transcript outside of the filing deadlines pursuant to Rule 207.

4. Appellant has attached the Transcript Order documentation as an exhibit to this Motion and has asked that the transcript be expedited. As a result, there will be no delay with respect to any other appellate deadlines nor will there be any prejudice against any party with respect to the filing of briefs. (Exhibit 1).

As Appellant's have complied with the Request of the Clerk's Office, have ordered the transcript of the original hearing, and have shown that no party will be prejudiced by the ordering of the transcript outside of the filing deadlines of Rule 207, Appellant's respectfully request that this appeal be allowed to timely proceed in accordance with the applicable rules of court.

Respectfully Submitted,



Donald Gist
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March 6, 2019

THE SOUTH CAROLINA COURT OF APPEALS

Tymika Jones Alston, et. al., Appellants

v.

Donald Richard Torres, et. al., Respondent

Appellate Case No. 2019-000148

The Honorable W. Jeffrey Young
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CERTIFICATE OF SERVICE

I, the undersigned employee of the Gist Law Firm, P.A., attorneys for the Appellant in the above action, do hereby certify that I have served the foregoing, Motion to File Transcript Outside of Deadlines of Rule 207 on Counsel for Appellee by causing a copy of the same to be personally deposited in a United States Postal service mailbox, postage prepaid, with the return address clearly visible, addressed to the attorneys for Appellee as indicated below.

Helen Hiser, Esquire
Geoffrey William Gibbon, Esquire
735 Johnnie Dodds Blvd, Ste 200
Mt. Pleasant, SC 29464



Shana Evans
Paralegal

March 6, 2019

EXHIBIT 1

GIST LAW FIRM, P.A.

**4400 North Main Street
Columbia, South Carolina 29203
Telephone (803) 771-8007
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ATTORNEYS-AT-LAW

**Donald Gist
Aaron Wallace**

Mailing Address

**P.O. Box 30007
Columbia, South Carolina 29230**

March 8, 2019

Mr. Michael Watts
489 Edgewater Drive
Gaffney, SC 29340

RE: 2012CP4006895R
March 18, 2015 Hearing
Alstons v. Willow Creek, et. Al.

Dear Mr. Watts:

Pursuant to our conversations on the matter, I have enclosed our check in the amount of two hundred twenty-five dollars (\$225.00) as well as the completed Transcript Request Form and a copy of our W9 in connection to the appeal in the above referenced matter.

Please process and provide us with the transcript of the requested hearing in accordance with our request form.

We appreciate in advance your cooperation with us with respect to this matter.

Sincerely,



Aaron Wallace
Attorney at Law

C: Helen Hiser, Esquire
Donald Gist, Esquire

Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at transcripts@sccourts.org. Click [here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
Full Name <u>Aaron Wallace / Donald Gist (Gist Law Firm, PA)</u>	Phone Number <u>803-771-8007</u>	Email Address <u>aaronwallace.gistlawfirm@gmail.com</u>	
Mailing Address <u>Gist Law Firm, PA, 4400 North Main Street, Columbia, SC 29203</u>	City <u>Columbia</u>	State <u>SC</u>	Zip Code <u>29203</u>
Transcript Information			
Docket Number <u>2012CP4006895R</u>	Case Caption (i.e. State v. John Doe or Smith v. Smith) <u>Alstons v. Willow Creek, et al</u>		
Date(s) of Proceeding <u>March 18, 2015</u>	Circuit <input checked="" type="checkbox"/> Family <input type="checkbox"/>	County <u>Richland</u>	
Presiding Judge <u>W. Jeffrey Young, Circuit Court Judge</u>		Expedited Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Court Reporter(s) <u>Michael Watts</u>		Opposing Counsel <u>Geoff Gibbon, Esq</u> <u>Helen Hiser, Esq</u>	

Requestor's Signature: Aaron Wallace
(Typed name will serve as signature)

Date: 2/27/19

Note: If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
Full Name _____	Date Received _____	Email Address _____	
Notice of Estimate to Requestor Party Date: _____ Number of Pages: _____ Estimated Amount _____			
Mailing Address for Payment _____	City _____	State _____	Zip Code _____