

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APR 22 2019

APPEAL FROM CHARLESTON COUNTY  
Court Of Common Pleas

SC Court of Appeals

DEADRA L. JEFFERSON, Circuit Court Judge

Civil Action No. 2015-CP-10-5000

Jim Washington,.....Appellant,

v.

Trident Medical Center, LLC.....Respondent.

EXTENSION OF TIME FOR TRANSCRIPT


Jim Washington  
209 Signet Drive  
Eutawville, S.C. 29048  
WTS Transport, LLC@yahoo.com  
803-496-4655  
Appellant, Pro Se

To: Honorable Jenny Abbott Kitchings, Clerk. Please **file and return** a clocked in copy.

Enclosed is prepaid stamp envelope address to me with the necessary items.

RE: Attach Documents referencing inaccurate transcript from court reporter and need of extension of time under SCACR Rule 206 ( C) for resolving disputes to the inaccuracies in the transcript itself that I received on April 12, 2019 which will not provide this court of a record adequate for meaningful appellate review. State v. Haygood, 413 S.C. 239, 241-242, 776 S.E.2d 262(2015); In re Dickey, 395 S.C. 336, 718 S.E.2d 739(2011); State v. Ladson, 373 S.C. 320, 322-330, 644 S.E.2d 271(Ct. App. 2007); China v. Parrott, 251 S.C. 329, 332-337, 162 S.E.2d 276(1968). I'm sending you a copy of the documents I have sent to the South Carolina Court Administration, the court reporter and all of respondent attorneys of records notice and certification of disputed matter. Therefore, as a party in Civil Action No. 2015-CP-10-5000 I am bringing this to your immediate attention awaiting the other parties respond to this matter which may need to be resolve by the court before proceeding with all procedural time limitation in this appeal. I do hereby reserve my rights to be given time to respond prior to any and all final decision by this court in matter which would affect the appeal. Please feel free in contacting me as necessary on any matter needing to be addressed.

Thank you kindly!

s/   
Jim Washington  
209 Signet Drive  
Eutawville, S.C. 29048  
WTS Transport, LLC@yahoo.com  
803-496-4655  
Appellant, Pro Se

April 22, 2019

# EXHIBITS

SOUTH CAROLINA COURT ADMINISTRATION  
CALHOUN BUILDING  
1220 SENATE STREET, Suite 200  
Columbia, S.C. 29201-3739  
803-734-1800

RE: Jim Washington v. Trident Medical Center, LLC  
Civil Action No. 2015-CP-10-2015  
February 7, 2019 Hearing Transcript held in Charleston County Court of Common Pleas  
Honorable Deadra L. Jefferson, Circuit Court Judge  
Court Reporter: Melissa R. Singletary

TO: Court Administration Supervisor, Tammie Holmes  
Date: April 22, 2019

Dear Ms. Holmes,

I, Jim Washington the above appellant in this matter filed an appeal in the South Carolina Court of Appeals on April 15, 2019. In earlier communications with your office we discussed matters of delays and or difficulties in me being unable to contact the above named court reporter by mail to order the hearing transcript and the possible need of your assistance in getting the transcript yourself because I expected further problems with the above court reporter in fully complying with processing the transcript. As you have been made aware by Ms. Singletary, I have now receive the hearing transcript by mail on April 12, 2019.


I am now serving notice on your office that the hearing transcript is wholly inadequate for meaningful appellate court review of what was actually said at the hearing and which affects the merits of the claims and defenses appellant intends to seek relief on appeal. Therefore, under SCACR Rule 206 (c) your office may need to grant the court reporter an extension of time to accurately prepare the transcript. Furthermore, I may be force to request a stay of the proceedings in the Court of Appeals to obtained a remand order from the Court of Appeals to the circuit court if necessary for the hearing transcript to be reconstructed by the trial court judge for the following reasons: (1) the transcript wholly omits the opposing counsel Blake T. Williams statements in open court upon calling of roster of cases scheduled to be heard concerning the ex parte communication opposing counsel stated he and the above presiding judge discussed on the day of the hearing not in open court and further commented " the other opposing counsel David H. Batten is in the hallway and I can call him in right now your honor" ; and (2) Starting on page 3 of the transcript the trial judge actually began with the history of the case starting in the trial court and concluded in the S.C. Supreme Court proceeding for writ of certiorari which ended when the remittitur was issued. Then page 3, line 1 on the transcript occurred; and (3) page 6, line 5 actually stated " That was based on the 2015 medical malpractice action"; and (4) page 9 of transcript , lines 22-23 actually was when I stated to the court "then I request a change of venue your honor but was actually pronouncing it as venger . The trial court then respond by stating what is he saying? Whereupon the audience (other attorneys not involved in this case) respond he is requesting a change of venue. The Court then respond stating, upon what ground are you requesting a change of

venue? Whereupon, I stated based on your rulings are bias, prejudice and unfair toward me and denying me my constitutional right to due process of law, your honor. Wherein the Court then ruled stating " I do not find a problem with that. Therefore, I deny your motion for a change of venue" . However, on page 12, line 25-page 13, lines 1-5 the transcript is having the Court saying there are no basis for a request for change of venue and stating " sir, you would have to file a written motion for a change of venue." However, the Court never instructed me to file a written motion for a change of venue, actually denied my request altogether . Therefore, pages 9, line 24 –page 10, line 10 is wholly inconsistent and inaccurate of what actually occurred and when it occurred at the hearing ; and (5) page 8, lines 7-10 wherein I actually stated " Your Honor, that is not a correct instruction or interpretation of the Supreme Court rulings on the law of South Carolina on the jurisdiction of the Circuit Court to rule on pending Rule 60 motions" in response to the Court's instruction and interpretation of the laws of the appellate court on pages 3, line 1-page 8, line 6 of the transcript ; and (6) actually the trial court stated on page 10, lines 8-10 " I am not going to make a ruling today on the extrinsic fraud or any other issues. I am just trying to make sure I have jurisdiction. I am just asking you some basic questions so that I can understand what you are trying to accomplish" wherein I actually respond stating on page 10 of the transcript, lines 11-14 " I am trying to get a hearing on my rule 60 motions to vacate Judge Dennis orders based on mistakes of the court and extrinsic fraud on the court by Defendant Trident Medical Center attorneys which denied me a full and fair opportunity to be heard." ; and (7) page 11, line 19 of the transcript where I actually stated " it was filed on the same date Judge Dennis signed his final order that I filed those motions with the court, your honor" ; and (8) page 12 of the transcript, line 8-16, where I actually stated "yes, your honor. According to **Ex Parte Carter**, which was recently decided by the Supreme Court, I'm sorry, the South Carolina Supreme Court decision which is controlling to my case, once the remittitur is issued if any pending Rule 60 motion in the circuit court still pending then the Circuit Court has jurisdiction to hear the motions and the motions are timely. This is a 2018 decision. And that court ruled that the allegations amount to extrinsic fraud which is the same situation I'm in right now" ; and (9) page 12 of transcript, line 20-page 13, line 5, where the court actually said " Mr. Williams, if you will provide the Court with a proposed order regarding this court lack of jurisdiction" which is all the Court said at this point of the above cited transcript. Therefore, any and all other statements of the Court " ruling on extrinsic fraud and or instructing Trident Medical Center attorneys to prepare a propose order addressing the issue of extrinsic fraud" are wholly inaccurate and inconsistent with what was actually said at the hearing on page 13, line 6-page 16, line21 of the transcript.

Please respond in writing promptly to me and the Court of Appeals as to what action your office will take to correct the above matter. I will send a copy of this communication to Ms. Singletary, the clerk of court of the Court of Appeals and opposing attorneys of records to their mailing addresses.

Thanks!

April 22, 2019

s/   
J. Washington

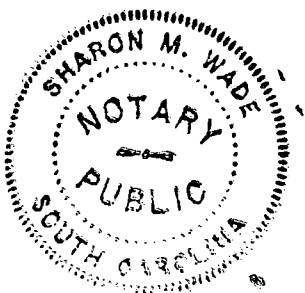
CERTIFICATE

This is to certify that I, Jim Washington have read the transcript sent to me in its entirety and dispute its accuracy in writing to the best of my knowledge, information, ability and belief. I, am duly sworn under oath that I have made the correct and accurate statements of the hearing held on February 7, 2019 in the Charleston County Court of Common Pleas, Civil Action No. 2015-CP-10-5000. Under the penalty of perjury and laws of the State of South Carolina and all applicable federal laws of the United States I do hereby swear under oath that the Certificate is made in good faith, true and accurate and non frivolous, nor made to harass or delay and is binding for use as admissible documented evidence in any related administrative or judicial proceeding subject to the rules of evidence without waiver of my right to written consent in any such proceedings. I, further agree that any and all disputes are subject to adjudication must conform to preserve my rights, privileges, and immunities under due process and equal protection clause under the constitution of the State of South Carolina and the United States constitution 5<sup>th</sup> and 14<sup>th</sup> amendment as applicable to resolve the disputes before a fair and impartial adjudicator(s).

Signature Jim Washington This 22<sup>nd</sup> of April, 2019

WITNESS signature and seal Sharon M. Wade This 22<sup>nd</sup> of April, 2019

My commission expires 4-Nov-2026.



**PROOF OF SERVICE**

The undersigned hereby certifies that on this date a copy of the foregoing documents to the South Carolina Court of Appeals address to the honorable Jenny Abbott Kitchings, Clerk was duly served upon each party to this cause by depositing same in a prepaid wrapper in a post office or official depository under the exclusive care and custody of the U.S. Postal Services, **VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED**, properly address as follows:

Tammie Holmes  
South Carolina Court Administration  
Calhoun Building  
1220 Senate Street, Suite 200  
Columbia, S.C. 29201-3739  
803-734-1800

Melissa R. Singletary  
Court Reporter  
2797 State Street  
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C. Mitchell Brown, Esquire  
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Attorneys for Respondent

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SC Court of Appeals

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s/ Jim Washington  
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