

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

The Hon. Robert E. Hood, Circuit Court Judge

Case No. 2019-001966

Marsh Waterproofing, Inc.,

Respondent,

v.

Steeple Two Notch  
Ltd., and Hamilton  
Management Services  
Company, Inc.

Appellants.

**RECEIVED**  
**Jun 09 2020**  
**SC Court of Appeals**

STATUS OF TRANSCRIPT

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS.

COME NOW Appellants, Steeple Two Notch Ltd., and Hamilton Management Services Company, Inc., (hereinafter "Appellants"), by and through their undersigned counsel, hereby notifies the Court of the transcript status as follows:

On October 28, 2019, Appellants ordered and subsequently paid for the transcript of the lower proceeding, however, the transcript was never received. Appellants followed up with the designated court reporter yet received no response. Appellants contacted Desiree Allen, of the South Carolina Court of Administration to discuss what could be done. See Appellants' Ex. No.

1. Unfortunately, Ms. Allen indicated that after an exhaustive effort by her department to locate the transcript, she was unable to do so. See Appellants' Ex. No. 2.



---

C. Clay Olson, Esq., SC Bar # 17007  
Harper Little PLLC  
164 Market Street, Suite 139  
Charleston, SC 29401  
843-224-6676  
Attorney for Appellants

Charleston, South Carolina  
June 9, 2020



Jim Saxton <jim@harperlittlelaw.com>

**RE: Marsh Waterproofing v. Steeple Two Notch, et al. C. No. 2018-CP-00527; and Marsh Waterproofing v. Steeple Main Columbia, et al. C. No. 2018-CP-00579**

15 messages

Allen, Desiree <DAllen@sccourts.org>

Tue, May 5, 2020 at 12:45 PM

To: "mandy@harperlittlelaw.com" <mandy@harperlittlelaw.com>

Cc: Jim Saxton <jim@harperlittlelaw.com>, "clay@harperlittlelaw.com" <clay@harperlittlelaw.com>

I have reached out to her. I am waiting to hear back. Would you happen to know if it was provided to opposing counsel?

**From:** mandy@harperlittlelaw.com <mandy@harperlittlelaw.com>

**Sent:** Tuesday, May 5, 2020 12:09 PM

**To:** Allen, Desiree <DAllen@sccourts.org>

**Cc:** 'Jim Saxton' <jim@harperlittlelaw.com>; clay@harperlittlelaw.com

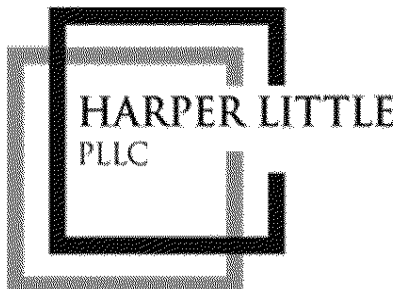
**Subject:** Marsh Waterproofing v. Steeple Two Notch, et al. C. No. 2018-CP-00527; and Marsh Waterproofing v. Steeple Main Columbia, et al. C. No. 2018-CP-00579

\*\*\* **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Ms. Allen,

I have been unsuccessful reaching out to Bonnie Kelly regarding the transcript request, attached. Please advise on the next steps.

Thank you!



Mandy Dunaway, Legal Assistant

800 College Hill Road, #5201

P. O. Box 3150

Oxford, Mississippi 38655

p: 662.234.0320

f: 662.259.8464

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---

**mandy@harperlittlelaw.com** <mandy@harperlittlelaw.com>  
To: "Allen, Desiree" <DAllen@sccourts.org>  
Cc: Jim Saxton <jim@harperlittlelaw.com>, clay@harperlittlelaw.com

Tue, May 5, 2020 at 4:17 PM

No ma'am, I do not know that answer.



Mandy Dunaway, Legal Assistant

800 College Hill Road, #5201

P. O. Box 3150

Oxford, Mississippi 38655

p: 662.234.0320

f: 662.259.8464

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[Quoted text hidden]

---

**Clay Olson** <clay@harperlittlelaw.com>

Tue, May 5, 2020 at 4:33 PM

To: mandy@harperlittlelaw.com  
Cc: "Allen, Desiree" <DAllen@sccourts.org>, Jim Saxton <jim@harperlittlelaw.com>

I doubt it would have been provided to opposing counsel as we were the ones ordering it

Clay Olson, Attorney  
164 Market Street, Suite 139  
Charleston, South Carolina 29401  
p: 843.224.6676  
f: 662.259.846

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On May 5, 2020, at 4:17 PM, mandy@harperlittlelaw.com wrote:

No ma'am, I do not know that answer.

<image001.png>

**Mandy Dunaway, Legal Assistant**

800 College Hill Road, #5201

P. O. Box 3150

Oxford, Mississippi 38655

p: 662.234.0320

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email and delete this message from your system.

---

**From:** Allen, Desiree <DAllen@sccourts.org>  
**Sent:** Tuesday, May 5, 2020 11:46 AM  
**To:** mandy@harperlittlelaw.com  
**Cc:** 'Jim Saxton' <jim@harperlittlelaw.com>; clay@harperlittlelaw.com  
**Subject:** RE: Marsh Waterproofing v. Steeple Two Notch, et al. C. No. 2018-CP-00527; and Marsh Waterproofing v. Steeple Main Columbia, et al. C. No. 2018-CP-00579

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---

**From:** mandy@harperlittlelaw.com <mandy@harperlittlelaw.com>  
**Sent:** Tuesday, May 5, 2020 12:09 PM  
**To:** Allen, Desiree <DAllen@sccourts.org>  
**Cc:** 'Jim Saxton' <jim@harperlittlelaw.com>; clay@harperlittlelaw.com  
**Subject:** Marsh Waterproofing v. Steeple Two Notch, et al. C. No. 2018-CP-00527; and Marsh Waterproofing v. Steeple Main Columbia, et al. C. No. 2018-CP-00579

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Ms. Allen,

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Thank you!

<image003.png>

Mandy Dunaway, Legal Assistant

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P. O. Box 3150

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---

**Allen, Desiree** <DAllen@sccourts.org>

Tue, May 5, 2020 at 6:56 PM

To: Clay Olson <clay@harperlittlelaw.com>, "mandy@harperlittlelaw.com" <mandy@harperlittlelaw.com>

Cc: Jim Saxton <jim@harperlittlelaw.com>

My question was because Ms. Kelly is claiming that it was delivered, and I'm waiting for the response to the question about to whom was it delivered.

If it was already ordered and delivered to another attorney, your office would not pay for the preparation; only for a copy.

---

**From:** Clay Olson <clay@harperlittlelaw.com>

**Sent:** Tuesday, May 5, 2020 4:34 PM

**To:** mandy@harperlittlelaw.com

**Cc:** Allen, Desiree <DAllen@sccourts.org>; Jim Saxton <jim@harperlittlelaw.com>

**Subject:** Re: Marsh Waterproofing v. Steeple Two Notch, et al. C. No. 2018-CP-00527; and Marsh Waterproofing v. Steeple Main Columbia, et al. C. No. 2018-CP-00579

\*\*\* **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

I doubt it would have been provided to opposing counsel as we were the ones ordering it

Clay Olson, Attorney

164 Market Street, Suite 139

Charleston, South Carolina 29401

p: 843.224.6676

f: 662.259.846

[Redacted]

[Quoted text hidden]

[Quoted text hidden]

**Clay Olson** <clay@harperlittlelaw.com>

Tue, May 5, 2020 at 7:12 PM

To: "Allen, Desiree" <DAllen@sccourts.org>

Cc: "mandy@harperlittlelaw.com" <mandy@harperlittlelaw.com>, Jim Saxton <jim@harperlittlelaw.com>

Thanks. I apologize if my question came off poorly.

Clay Olson, Attorney  
164 Market Street, Suite 139  
Charleston, South Carolina 29401  
p: 843.224.6676  
f: 662.259.846

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On May 5, 2020, at 6:56 PM, Allen, Desiree <DAllen@sccourts.org> wrote:

My question was because Ms. Kelly is claiming that it was delivered, and I'm waiting for the response to the question about to whom was it delivered.

If it was already ordered and delivered to another attorney, your office would not pay for the preparation; only for a copy.

**From:** Clay Olson <clay@harperlittlelaw.com>

**Sent:** Tuesday, May 5, 2020 4:34 PM

**To:** mandy@harperlittlelaw.com

**Cc:** Allen, Desiree <DAllen@sccourts.org>; Jim Saxton <jim@harperlittlelaw.com>

**Subject:** Re: Marsh Waterproofing v. Steeple Two Notch, et al. C. No. 2018-CP-00527; and Marsh Waterproofing v. Steeple Main Columbia, et al. C. No. 2018-CP-00579

\*\*\* **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

I doubt it would have been provided to opposing counsel as we were the ones ordering it

Clay Olson, Attorney

164 Market Street, Suite 139

Charleston, South Carolina 29401

p: 843.224.6676

f: 662.259.846

|  
<~WRD000.jpg>

[Quoted text hidden]

[Quoted text hidden]

---

**Jim Saxton** <jim@harperlittlelaw.com>

Fri, May 8, 2020 at 12:48 PM

To: "Allen, Desiree" <DAllen@sccourts.org>

Cc: "mandy@harperlittlelaw.com" <mandy@harperlittlelaw.com>, "clay@harperlittlelaw.com"

<clay@harperlittlelaw.com>

Good afternoon Ms. Allen,

I hope this email finds you well. I just wanted to follow up on whether Ms. Kelly has responded to you as to where the transcripts were sent.

Thanks so much,

Jim Saxton

[Quoted text hidden]

--

James W. Saxton, Esq.  
Harper Little, PLLC

164 Market Street, Suite 139 (MAILING ONLY)

43 Broad Street Suite 202 (PHYSICAL)

Charleston, South Carolina 29401

p: 843.779.5829

f: 662.259.8464

www.harperlittlelaw.com



PLEASE SEND PAYMENTS TO:

Harper Little, PLLC

[Quoted text hidden]

---

**Allen, Desiree** <DAllen@sccourts.org>  
To: Jim Saxton <jim@harperlittlelaw.com>

Fri, May 8, 2020 at 2:07 PM

I have spoken to my supervisors about the matter. They have directed me to schedule a conference call for Tuesday (State Holiday Monday) to get to the bottom of this. I will have more information for you after that meeting. Thank you for your patience while we try to resolve this matter.

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Redacted signature]

[Quoted text hidden]

**Jim Saxton** <jim@harperlittlelaw.com>

Fri, May 8, 2020 at 2:13 PM

To: Clay Olson <clay@harperlittlelaw.com>, Mandy Dunaway <mandy@harperlittlelaw.com>

See below regarding the need to schedule a conference on Tuesday regarding the whereabouts of these Richland transcripts.

[Quoted text hidden]

[Quoted text hidden]



[Quoted text hidden]

**Jim Saxton** <jim@harperlittlelaw.com>

Fri, May 8, 2020 at 4:10 PM

To: "Allen, Desiree" <DAllen@sccourts.org>, Clay Olson <clay@harperlittlelaw.com>, Mandy Dunaway <mandy@harperlittlelaw.com>

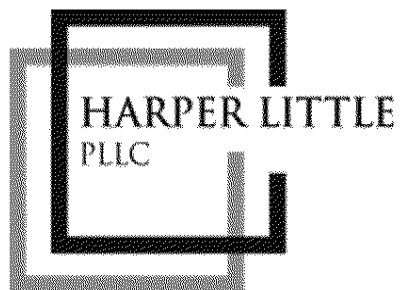
Thank you for your response, we appreciate all your help with this matter. Is there a way we can schedule the call for Thursday or another date at your convenience? We have what will likely be lengthy depositions scheduled for Tuesday and Wednesday.

Thanks so much,

Jim Saxton

[Quoted text hidden]

[Quoted text hidden]



[Quoted text hidden]

**Allen, Desiree** <DAllen@sccourts.org>

Fri, May 8, 2020 at 4:15 PM

To: Jim Saxton <jim@harperlittlelaw.com>, Clay Olson <clay@harperlittlelaw.com>, Mandy Dunaway <mandy@harperlittlelaw.com>

Let me clarify. I meant that we at SCJB were scheduling a call with Ms. Kelly.

[Quoted text hidden]

---

**Jim Saxton** <jim@harperlittlelaw.com>

Fri, May 8, 2020 at 4:48 PM

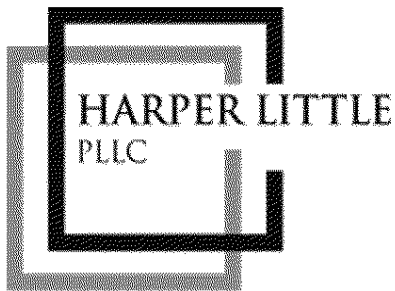
To: "Allen, Desiree" <DAllen@sccourts.org>

Cc: Clay Olson <clay@harperlittlelaw.com>, Mandy Dunaway <mandy@harperlittlelaw.com>

Understood, thanks again for your help and have a great weekend.

[Quoted text hidden]

[Quoted text hidden]



[Quoted text hidden]

---

**Jim Saxton** <jim@harperlittlelaw.com>

Thu, May 28, 2020 at 9:59 AM

To: "Allen, Desiree" <DAllen@sccourts.org>

Cc: Clay Olson <clay@harperlittlelaw.com>, Mandy Dunaway <mandy@harperlittlelaw.com>

Good morning Ms. Allen,

I just wanted to follow up on our previous discussion regarding the transcripts in these matters after having a conference with Ms. Kelly.

Thanks so much,

Jim

[Quoted text hidden]

---

**Jim Saxton** <jim@harperlittlelaw.com>

Mon, Jun 1, 2020 at 3:21 PM

To: "Allen, Desiree" <DAllen@sccourts.org>

Cc: Clay Olson <clay@harperlittlelaw.com>, Mandy Dunaway <mandy@harperlittlelaw.com>

Good Afternoon Ms. Allen,

We have received an Order by the COA requesting the transcript status in this matter by June 10, 2020, and wanted to follow up with you so as to assist me in accurately providing a response. If we need to re-request the transcripts, how would we go about doing so as Ms. Kelly's email address ("retiredcr@sccourts.org") would

Harper Little Law Mail - RE: Marsh Waterproofing v. Steeple Two N...

<https://mail.google.com/mail/u/5?ik=38edc79ac4&view=pt&search=...>

indicate to me that she is no longer receiving requests.

Thank you in advance for your assistance in this matter, it is greatly appreciated.

-Jim

[Quoted text hidden]

---

**Allen, Desiree** <DAllen@sccourts.org>

Wed, Jun 3, 2020 at 2:59 PM

To: Jim Saxton <jim@harperlittlelaw.com>

Cc: Clay Olson <clay@harperlittlelaw.com>, Mandy Dunaway <mandy@harperlittlelaw.com>

Mr. Saxton, unfortunately, we have exhausted all avenues to try to obtain this transcript. I have had a court reporter listen to the audio that Ms. Kelly turned in to try to find these proceedings, but they are not included. I have gone to our warehouse where the physical records are located and did not find this transcript. I will write a letter to this effect and attach to an email for your convenience since we are still working remotely.

[Quoted text hidden]

---

**Jim Saxton** <jim@harperlittlelaw.com>

Wed, Jun 3, 2020 at 3:18 PM

To: "Allen, Desiree" <DAllen@sccourts.org>

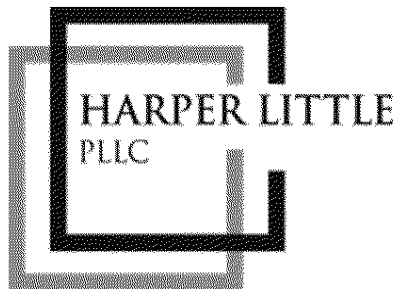
Cc: Clay Olson <clay@harperlittlelaw.com>, Mandy Dunaway <mandy@harperlittlelaw.com>

Thank you very much for your response and all your efforts thus far, it is greatly appreciated. We will update the COA with this information and provide the letter you spoke of in your email and proceed from there. Again, thank you for all help in this matter.

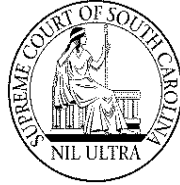
-Jim

[Quoted text hidden]

[Quoted text hidden]



[Quoted text hidden]



South Carolina Court Administration  
South Carolina Supreme Court  
Columbia, South Carolina

TONNYA K. KOHN  
STATE COURT ADMINISTRATOR

KARAMA T. BAILEY  
DEPUTY DIRECTOR

1220 SENATE STREET, SUITE 200  
COLUMBIA, SOUTH CAROLINA 29201  
PHONE: (803) 734-1800  
FAX: (803) 734-0269

June 8, 2020

C. Clay Olson, Esquire, [clay@harperlittlelaw.com](mailto:clay@harperlittlelaw.com)  
James W. Saxton, Esquire, [jim@harperlittlelaw.com](mailto:jim@harperlittlelaw.com)  
Harper Little, PLLC  
1614 Market Street, Suite 139  
Charleston, SC 29401

**In re: Marsh Waterproofing, Inc. v Steeple Two Notch, Ltd. et al. 2018CP4000527**  
**Marsh Waterproofing, Inc. v Steeple Main Columbia, Ltd., et al. 2018CP4000579**

Dear Mr. Olson and Mr. Saxton:

This is to follow up on the request sent to Ms. Bonnie Kelly at her mailing address that was provided to our office (dated October 28, 2019), and the emails your office has sent to our RetiredCR email address concerning the transcript from proceedings held on September 12, 2019, in Richland County, before Judge Robert E. Hood. I am sorry that there has been such a delay in resolution of this matter. We are continuing to work remotely, so I am sending an e-signed letter for your records. As you may know, when court reporters leave our employ, we are required to retain their records for a period of five years. Ms. Kelly delivered the records when she retired, which included audio files and courtroom notes/court paperwork. When we were first contacted about the transcript not being delivered, we contacted Ms. Kelly, who indicated that she had delivered it; but she could provide no evidence of that. We then scheduled a conference call with Ms. Kelly, which she refused to attend. I have gone on at least two occasions to our warehouse where court reporter records are stored to see if the records to prepare this transcript or the actual transcript had been somehow overlooked. I did not find any additional records.

Therefore, I must report that we have exhausted all avenues in the search for additional records to produce this transcript. Unfortunately, without them, a transcript cannot be produced. I sincerely regret the inconvenience this has caused you and all parties involved. I am copying the opposing attorney since he was listed on the transcript request form and requested it as well. If there is some other way that I can assist you in this matter, do not hesitate to contact me.

Sincerely,

*Desiree R. Allen*  
Desiree R. Allen  
Program Manager

CC: Albert A. Lacour, III, Esquire, [alacour@clawsonandstaubes.com](mailto:alacour@clawsonandstaubes.com)

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

The Hon. Robert E. Hood, Circuit Court Judge

Appellate Case No. 2019-001966

Marsh Waterproofing, Inc.,

Respondent,

v.

Steeple Two Notch  
Ltd., and Hamilton  
Management Services  
Company, Inc.

Appellants.

**RECEIVED**  
**Jun 09 2020**  
**SC Court of Appeals**

PROOF OF SERVICE

I, C. Clay Olson, on behalf of Appellants, hereby certify that a copy of the *Appellants' Status of Transcript* was sent to all counsel of record on June 9, 2020, via E-mail and United States Mail, postage pre-paid and addressed as follows:

CLAWSON and STAUBES, LLC  
Albert A. Lacour, III  
126 Seven Farms Drive, Suite 200  
Charleston, South Carolina 29492-8144  
[alacour@clawsonandstaubes.com](mailto:alacour@clawsonandstaubes.com)  
*Attorney for Respondent*



C. Clay Olson

Charleston, South Carolina  
June 9, 2020



800 College Hill Road, #5201  
P. O. Box 3150  
Oxford, MS 38655

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164 Market Street,  
Suite 139  
Charleston, SC 29401

P: 843.224.6676  
F: 662.259.8464

James D. Harper\*  
Terry D. Little\*\*  
C. Clay Olson+  
Jim Saxton+

\* Licensed in Mississippi, Alabama,  
Tennessee & Arkansas  
\*\* Licensed in Mississippi  
+ Licensed in South Carolina

June 9, 2020

**RECEIVED**

**Jun 09 2020**

**SC Court of Appeals**

**Via Facsimile and US Mail**

The Honorable Jenny Abbott Kitchings Clerk,  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RE: Marsh Waterproofing, Inc., Respondent v. Steeple Two Notch Ltd., and  
Hamilton Management Services Company, Inc., Appellants  
Appellate Case No. 2019-001966**

Dear Ms. Kitchings:

Please accept this correspondence on behalf of Appellants Steeple Two Notch Ltd., and Hamilton Management Services Company, Inc., (hereinafter "Appellants") regarding the above captioned matter. Please find the following attachments for review and filing:

1. Appellants' Status of Transcript notification to the Court.
2. Appellants' Status of Transcript Exhibit Nos. 1 & 2.
3. Proof of Service of Appellants' Status of Transcript and attached Exhibits on Opposing Counsel.

With kindest regards, I remain

Yours truly,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, representing the name C. Clay Olson.

C. Clay Olson

cc: Albert A. Lacour III  
SC Court of Administration

# Fax

**RECEIVED**

**Jun 09 2020**

**SC Court of Appeals**

---

**Date:** 6/9/2020  
**To:** 8037341839  
**From:**  
**Subject:** Marsh Waterproofing v. Steeple Two Notch, et al. C. No. 2018-CP-00527

<<https://www.harperlittlelaw.com/>>

Mandy Dunaway, Paralegal

800 College Hill Road, #5201

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Oxford, Mississippi 38655

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f: 662.259.8464

mandy@harperlittlelaw.com

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