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SC Court of Appeals

IN THE COURT OF APPEALS OF STATE OF SOUTH CAROLINA

PATRICIA BRENNAN CLARK,)
)
 Appellant,)
)
 v.)
)
 RAYMOND E. MCKAY, Jr., Esq.,)
 CPA, & MCKAY & AMOS, LLC,)
)
 Respondents.)

APPELLATE CASE NUMBER: 2020-000784

APPELLANT’S MOTION & SUPPORT FOR EXTENSION TO OBTAIN TRANSCRIPT OUTSIDE OF TIME

NOW COMES the Appellant, Patricia Brennan Clark (“Appellant”), by and through its undersigned counsel, who, pursuant to Rules 240 SCACP and 263(b) SCACP, respectfully moves the Court to grant and permit the Appellant an extension to obtain the October 7, 2019 hearing transcript outside of the filing deadline. In support hereof, Appellant shows the following:

1. On October 7, 2019, the circuit court held a non-evidentiary motion hearing on the Respondents Motions to Dismiss the Original and Amended Complaints. At this hearing, the undersigned counsel did not observe that a court reporter was present to take down the arguments or other statement made by counsel for the parties and the presiding judge.

2. The circuit court issued a Form 4 order on October 10, 2019 indicating the motions would be taken under advisement. On November 18, 2019 the court issued a second Form 4 granting Respondents’ motions. On both Form 4 orders the space for “Court Reporter” was left blank, indicating to the Appellant that a court reporter had not been present or assigned to take down the statements made by counsel and the court, such that a transcript of the hearing could be prepared. (Ex. A)

3. The circuit court issued its formal order granting Respondents’ motions to dismiss (from which appeal is being sought in this appeal) on March 5, 2020. Appellant filed a Motion to

Reconsider the court's formal order on March 16, 2020. On April 10, 2020, the court issued an order denying Appellant's Motion to Reconsider its March 5, 2020 Order.

4. On May 8, 2020, Appellant timely served her Notice of Appeal on Defendants.

5. On June 5, 2020, the Court of Appeals sent a letter to Appellant stating that the time for requesting the hearing transcript had lapsed, and that Appellant had to file a motion for an extension of time in which to order said transcript.

6. Although Appellant's counsel has not confirmed with certainty whether the statements of counsel and the court were taken down or recorded, such that transcript can be prepared, Appellant has nevertheless submitted a request for the October 7, 2019 hearing transcript to the person who Appellant now understands might have been assigned to the courtroom at the time of the October 7, 2019, hearing, and has also sought to obtain any such transcript to be expedited. (Ex. B)

7. There will be no prejudice to the Respondents in granting this request for an extension of the time in which to obtain any transcript that it may be possible to obtain.

8. This Motion is made in good faith, and not merely for the purpose of delay.

THEREFORE, the Appellant moves the Court to grant Appellant a brief extension of time in which to obtain a transcript of the October 7, 2019 hearing transcript, or if a transcript cannot be obtained, to report that fact to the Court.

This the 12th day of June, 2020

/s/ Joseph L. Cortopassi
Bar No.: 101154
12 Farmfield Ave., Ste. E
Charleston, South Carolina 29407
Phone: (843)556-8000
Fax: (843)556-4091
JosephCortopassi@Bellsouth.net

/s/ John B. Gamble, Jr.
Pro Hac Vice Counsel
Gamble Law, LLC
Terminus 200, Ste. 2050
3333 Piedmont Rd.
Atlanta, GA 30305
jgamble@gamlegal.com



FORM 4

JUDGMENT IN A CIVIL CASE

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS
Patricia Brennan Clark

CASE NUMBER: 2019CP4002750
Raymond E Mckay Jr

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other Dismissed without prejudice
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : On 10/7/19 the Court heard 2 motions for this case – both motions to dismiss filed by Raymond E Mckay Jr are hereby taken under advisement.

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge *Raymond E McKay Jr* Judge Code 2061 Date 10-16-19

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court _____

ELECTRONICALLY FILED - 2019 Oct 10 3:23 PM - RICHLAND - COMMON PLEAS - CASE#2019CP4002750

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS
Patricia Brennan Clark

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2019CP4002750
Raymond E Mckay Jr, et al

ELECTRONICALLY FILED - 2019 Nov 18 4:19 PM - RICHLAND - COMMON PLEAS - CASE#2019CP4002750

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other Dismissed without prejudice
- ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded; Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : Both motions to dismiss heard on 10/7/19 are hereby GRANTED.
Formal order to follow.

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

Judge Code 2061

Date

11-18-19

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court _____

Joe Cortopassi



From: Tammy Davidson <tmd0924@bellsouth.net>
Sent: Thursday, June 11, 2020 5:11 PM
To: aberry@sccourts.org
Cc: swall@grsm.com; hframpton@grsm.com; transcripts@sccourts.org; Joseph Cortopassi; jgamble@gamlegal.com; siritchie@sccourts.org; dsmith@sccourts.org
Subject: Clark V. McKay 19-CP-40-02750
Attachments: TranscriptRequest.061120.pdf
Importance: High

Hello Ms. Berry,

I would like to confirm that you were the court reporter on October 7, 2019 in the above referenced case heard before Judge Manning with regards to the above referenced case. Please confirm that this is accurate and that there is in fact a transcript for this particular hearing. We are requesting this hearing transcript to the extent that one was generated per the attached request form. Thank you.

Tammy M. Davidson, Assistant
Office of Joseph L. Cortopassi
12 Farmfield Avenue, Suite E
Charleston, South Carolina 29407

"ATTORNEY-CLIENT PRIVILEGED; DO NOT FORWARD WITHOUT PERMISSION." The information contained in this transmission is privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone or by email to email@bellsouth.net or by replying to this email and delete all copies of this message and all attachments.

843-556-8000
fax: 843-556-4091

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>Joseph Cortopassi</u>	Phone Number <u>843-556-8000</u>	Email Address <u>Joseph Cortopassi</u>	
Mailing Address <u>12 Farmfield Ave. Suite E</u>	City <u>Charleston</u>	State <u>SC</u>	Zip Code <u>29407</u>
Transcript Information			
Docket Number <u>19-CP-40-02750</u>	Case Caption (i.e. State v. John Doe or Smith v. Smith) <u>Clerk v Raymond McKay</u>		
Date(s) of Proceeding <u>10-07-2019</u>	Circuit <input checked="" type="checkbox"/> Family <input type="checkbox"/>	County <u>Richland</u>	
Presiding Judge <u>L. Casey Manning</u>	Expedited Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Court Reporter(s) <u>Angela Berry</u>	Opposing Counsel <u>Susan Wall</u> <u>Henry Frampton</u>		

@allsouth.net

Requestor's Signature: [Signature]
(Typed name will serve as signature)

Date: 6-11-2020

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 _____

IN THE COURT OF APPEALS OF STATE OF SOUTH CAROLINA

PATRICIA BRENNAN CLARK,)
Appellant,) CASE NUMBER: 2020-000784
v.) **CERTIFICATE OF SERVICE**
RAYMOND E. MCKAY, Jr., Esq.,)
CPA, & MCKAY & AMOS, LLC,)
Respondents.)

I HEREBY CERTIFY that a true and correct copy of the forgoing has been
furnished to the following:

VIA US Mail
South Carolina Office of Court Administration
Attn: Ct Administration
1220 Senate St
Columbia SC 29201

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JUN 15 2020
SC Court of Appeals

VIA US Mail & Email ctappfilings@sccourts.org
South Carolina Court of Appeals
Attn: SC Ct of Appeals
1220 Senate St
Columbia SC 29201

Susan Taylor Wall, swall@grsm.com
Henry Wilkins Frampton, IV., hframpton@grsm.com
40 Calhoun St., Suite 350
Charleston SC 29401

/s/ Joseph L. Cortopassi
Bar No.: 101154
12 Farmfield Ave., Ste. E
Charleston, South Carolina 29407
Phone: (843)556-8000
Fax: (843)556-4091
JosephCortopassi@Bellsouth.com

**OFFICE OF JOSÉPH L. CORTOPASSI
ATTORNEY AT LAW**

**12 Farmfield Ave., Ste E
Charleston, SC 29407**

**Phone (843) 556-8000
Fax (843) 556-4091**

June 12, 2020

(Via US Mail & email)
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29401

RECEIVED
JUN 15 2020
SC Court of Appeals

Re: Appellate Case No. 2020-000784

Dear Sir or Madam:

Enclosed for filing is Appellant's Motion for Extension to Obtain Transcript in the above referenced matter. Also enclosed is a certificate of service and a motion filing fee.

Please contact our office if you have any questions. Thank you,

Respectfully,

/s/ Joseph L. Cortopassi

cc: South Carolina Office of Court Administration (Via Mail)
Susan Taylor Wall, Esquire (Via AIS email)
Henry Wilkins Frampton, IV, Esquire (Via AIS email)
John B. Gamble, Jr., Esquire (Via email)

D. Dusty Rhoades
Joseph L. Cortopassi
12 Farmfield Ave, Suite E
Charleston SC 29407

CHARLESTON SC 29407

12 JUN 2020

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JUN 12 2020

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South Carolina Court of Appeals
Attn: SC Ct of Appeals
1220 Senate St
Columbia SC 29201

JUN 15 2020

SC Court of Appeals



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