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July 28, 2020

VIA E-MAIL & U.S. MAIL

V. Claire Allen  
Chief Deputy Clerk  
S.C. Court of Appeals  
PO Box 11629  
Columbia, SC 29211

RECEIVED

Jul 28 2020

SC Court of Appeals

**RE: *Dearinger v. Jaeger, et al***  
**Appellate Case No. 2020-000618**  
**Letter in Support of Appellants' Motion to File Transcript**

Dear Clerk Allen,

I write this letter on behalf of Respondents and in support of Appellant's Motion allowing transcripts to be filed in the above matter, and would further submit that the transcript arising out of the January 8, 2020 hearing (attached hereto for ease of reference) is necessary for the Court of Appeals' consideration.

Specifically, this matter arises out a motion for constructive trust and/or sanctions filed in the state court matter, (C/A No. 2019-CP-40-04352) by Respondents in December, 2019, and supplemented in January, 2020. On March 2, 2020, following two hearings, the Honorable Casey L. Manning issued his order on Respondents' motion, (aff'd. March 27, 2020). During the original hearing on January 8, 2020, after encouraging the parties to resolve the issues between them, a process that took nearly two hours, the court asked the parties to maintain the "status quo" until the matter could be rescheduled, stating:

Don't do anything else that this lawsuit is about, and I will take that into account. If something happens between now and the next hearing that either side can report to me that I find is objectionable by the spirit of the effort to try and resolve this matter I'll take that into account and issue a decision since this is – sua sponte on my own, if that makes sense.

(Trans. of Record, lines 15-20, hearing date Jan. 8, 2020).

Prior to the rescheduled hearing, Respondents filed interim information indicating Appellants had not abided by the terms of the trial court's bench order. Accordingly, the transcript containing the court's admonition from the bench should be considered.

For the reasons set forth herein, Respondents support Appellants' request to file the transcript.

Sincerely,

*s/ Jessica L. Fickling*

Jessica L. Fickling  
STROM LAW FIRM, LLC

Attachment

cc: SC Court Administration  
Christopher C. Mingledorff, Esq. (*via e-mail only*)  
Julie Moose, Esq. (*via e-mail only*)

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF RICHLAND ) FOR THE FIFTH JUDICIAL CIRCUIT  
RICHARD DEARINGER, et al., ) C/A NO: 2019-CP-40-4352  
 )  
Plaintiffs, )  
vs. ) TRANSCRIPT OF RECORD  
ANDREW JAEGER, et al., )  
Defendants. )

January 8, 2020  
Columbia, South Carolina

BEFORE:

HONORABLE L. Casey Manning, Judge

A P P E A R A N C E S:

Jessica L. Fickling, Esq.  
John R. Alphin, Esq.  
Attorneys for the Plaintiff

Christopher C. Mingledorff, Esq.  
James E. Cox, Jr., Esq.  
Attorneys for the Defendants

T. Dayton Grainger, Jr.  
Family Court Reporter

I N D E X

WITNESS

DIRECT

CROSS

REDIRECT

RECROSS

Certificate p. 5

E X H I B I T S

NO.

DESCRIPTION

ID.

EV.

(There were no exhibits marked.)

1 THE COURT: Okay. I gave both sides an opportunity to try to work  
2 out their differences. Everybody was unable to do so it appears. It's all  
3 right to fail, not reach an agreement, but it's important to try, and y'all did  
4 so, but y'all tried so hard about an hour or so, and no decision was made; I  
5 decided as I informed the lawyers in chambers to simply continue this  
6 matter. The Clerk here will help reschedule it. You're from -- who is from  
7 Greenville, and you're from ---

8 MR. MINGLEDORFF: Charleston.

9 THE COURT: Charleston. So, look at your calendars. She will help  
10 you reschedule this as soon as practical, and I will put it this way:  
11 Although, I gave y'all an opportunity to resolve it, y'all couldn't, still; I have  
12 jurisdiction of this matter, and whether y'all like it or not I can still make a  
13 decision on this matter if I want to, if I'm so inclined, based on the pleadings  
14 and everything. I'm disinclined to do that. I want everybody to have an  
15 opportunity to sort of maintain the status quo. Don't do anything else that  
16 this lawsuit is about, and I will take that into account. If something  
17 happens between now and the next hearing that either side can report to me  
18 that I find is objectionable by the spirit of the effort to try to resolve this  
19 matter I'll take that into account and issue a decision since this is -- sua  
20 sponte on my own, if that makes since. Y'all can explain it to your clients.

21 So, with that in mind, happy new year to everybody. The important  
22 thing is to try. If you fail it doesn't matter. You have a chance to try again.  
23 So, Athena will help you coordinate with your schedules. We'll reset this as  
24 soon as possible. I wish everybody the very best. Thank you all.

25 MR. COX: Thank you.

1 MS. FICKLING: Thank you, Your Honor.

2 THE COURT: And your motion in regards to the 12(b)(6), you said it  
3 was tied to the other motion; so, both matters are continued, okay?

4 MR. COX: Thank you, Your Honor.

5 THE COURT: Thank you all.

6 MR. MINGLEDORFF: Thank you.

7 MS. FICKLING: Thank you.

8 --- END OF TRANSCRIPT OF RECORD ---

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1 I, the undersigned, T. Dayton Grainger, Jr., Official Court Reporter for  
2 the Fifth Judicial Circuit of the State of South Carolina, do hereby certify  
3 that the foregoing is a true, accurate and complete Transcript of Record of  
4 all the proceedings had and evidence introduced in the trial of the captioned  
5 case, on the 8th Day of January, 2020.

6 I do further certify that I am neither of kin, counsel or interest to any  
7 party.

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January 13, 2020

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T. Dayton Grainger, Jr.

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