

FORM 8
LETTER TO THE APPEALS COURT CLERK FILING
REPORT OF STATUS OF TRANSCRIPT REQUEST

August 14, 2020

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

RECEIVED

Aug 18 2020

SC Court of Appeals

RE: John Harbin v. April Blair, et al.
C.A. No.: 2017-CP-04-02099
Appellate Case No.: 2020-000421

Dear Ms. Kitchings:

In response to this Honorable Court's Letter dated August 10, 2020, Appellant submits that that the transcript for the February 8, 2018 hearing in the underlying case, which was ordered from Ms. Vivian Cross, has not been received by Appellant.

On July 26, 2020, Appellant was informed by Ms. Cross that she has been ill for more than a week. She expressed that she was resuming her work on the transcript on the said day. Attached is the correspondence with the undersigned counsel and Ms. Cross on this matter. Appellant will inform this Honorable Court as soon as the transcript has been delivered, to determine the filing time for the Appellant's Brief.

Sincerely,

s/Donald L. Smith
Donald L. Smith, (Bar No. 6699)
Attorney for Appellant
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

cc: Mr. Steven James Pugh, Esquire
Mr. Robert Wilder Harte, Esquire
Mr. James P. Walsh, Esquire
Mr. Samuel W. Outten, Esquire
Ms. Katie Elizabeth Towery, Esquire
Mr. Alfred Johnston Cox, Esquire
Ms. Jessica Waller Laffitte, Esquire
Mr. Tracy Dunn #00279454

[Quoted text hidden]

Vivian Cross <crossv697@aol.com>
To: Don Smith <attorneydonaldsmith@gmail.com>

Sun, Jul 26, 2020 at 9:02 PM

Don,
Since last email I have spent most days in bed. Not Covid but ill nonetheless. Trying up today and will get back to transcripts at least part days tomorrow. So sorry,
Vivian

Sent from my iPhone

On Jul 14, 2020, at 9:24 PM, Don Smith <attorneydonaldsmith@gmail.com> wrote:

[Quoted text hidden]

Don Smith <attorneydonaldsmith@gmail.com>
To: Vivian Cross <crossv697@aol.com>

Mon, Jul 27, 2020 at 10:00 AM

Thank you for keeping us informed. I hope you feel better!

Sent from my iPhone

On Jul 26, 2020, at 9:02 PM, Vivian Cross <crossv697@aol.com> wrote:

Don,
[Quoted text hidden]



Re: Battersby and Harbin

Don Smith <attorneydonaldsmith@gmail.com>
To: Vivian Cross <crossv697@aol.com>
Bcc: aisaford0302@gmail.com

Tue, Jul 14, 2020 at 9:24 PM

Thank you, ma'am. You do the same. 😊

On Tue, Jul 14, 2020 at 6:57 PM Vivian Cross <crossv697@aol.com> wrote:
Working now, I expect within a week. Stay well and cool. Viv

Sent from my iPhone

On Jul 14, 2020, at 4:50 PM, Don Smith <attorneydonaldsmith@gmail.com> wrote:

Good afternoon, Vivian! I hope this note finds you and yours well. We are managing to stay healthy. Hopefully, that will continue for you and me.

How are the transcripts coming in the above-referenced matters?

Sincerely,
Don

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**FORM 7
PROOF OF SERVICE**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

J. Cordell Maddox, Jr, Judge

Case No. 2017-CP-04-02099
Appellate Case No. 2020-000421

RECEIVED

Aug 18 2020

SC Court of Appeals

John Harbin,

Appellant,

v.

April Blair, Tracy Dunn, HUB Enterprises, Inc.
Shawn Conway, Gallivan White & Boyd,
Sam Nikopoulos, and John Doe,

Respondents,

PROOF OF SERVICE

Pursuant to Supreme Court of South Carolina's Amended Order 2020-05-29-02, I certify that I have served a copy of Appellant's Report of Status of Transcript Request, and Proof of Service of same, upon The Honorable Jenny Abbott Kitchings, Clerk of South Carolina Court of Appeals, through the AIS, and the Respondents, by and through their respective counsel of record, via electronic mail in the addresses as follows:

Ms. Jenny Abbott-Kitchings

ctappfilings@sccourts.org

Attorneys for Defendants Gallivan White & Boyd, PA and Sam Nikopoulos:

Mr. Alfred Johnston Cox, Esquire

jcox@gwblawfirm.com

Ms. Jessica W. Laffitte, Esquire

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Mr. Samuel W. Outten, Esquire

sam.outten@nelsonmullins.com

Ms. Katie Elizabeth Towery, Esquire

katie.towery@nelsonmullins.com

Attorneys for Defendants Shawn Conway and HUB Enterprise, Inc.

Mr. Robert Wilder Hart
Mr. Steven James Pugh

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spugh@richardsonplowden.com

Attorney for Defendant April Blair

Mr. James P. Walsh

jwalsh@clarksonwalsh.com

For Defendant Tracy Dunn
Office of General Counsel

legalmailservice@doc.sc.gov

A copy of this Notice and Motion are served upon Defendant Tracy Dunn, by and through the Office of General Counsel, at his last known address at the South Carolina Department of Corrections, Post Office Box 21787, Columbia, SC 29221-1787, by depositing a copy of it in the United States Mail, postage prepaid, on August 14, 2020.

The above-mentioned documents have been served on August 14, 2020.

s/Donald L. Smith
Donald L. Smith, (Bar No.: 6699)
Attorney for Appellant
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

Anderson, South Carolina
August 14, 2020