

93273

NOTICE OF APPEAL IN A CIVIL CASE **RECEIVED**

The State of South Carolina  
In the Court of Appeals

SEP 17 2020

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Robert E. Hood, Circuit Court Judge


Appellate Case No. 2020-001205

Amanda Creel Godfrey, Appellant.  
v.  
City of Columbia, Richland County & AOS Contractors, Defendants,  
of which City of Columbia, Richland County, and AOS Contractors, Inc. are the Respondents.

NOTICE OF MOTION AND MOTION REQUESTING PERMISSION  
TO ORDER THE TRANSCRIPT OUTSIDE  
OF THE FILING DEADLINE

YOU WILL PLEASE TAKE NOTICE that the appellant hereby moves the court for permission to order the transcript outside of the filing deadlines. This motion is made upon the grounds that if an error was made as to the name of the court reporter who took the hearing and as to the deadline for requesting the transcript of record, the error has now been corrected and the fee was submitted to the correct court reporter. See attached Affidavit of Tobia L. Bradley which is submitted in support of this motion. Upon information and belief, no harm or prejudice has been sustained by the Respondents by the granting of this Motion since the appellant requested the transcript and has paid the fee for the copies.

September 16, 2020



---

1230 Richland Street  
Columbia, SC 29201  
(803) 799-9791  
[pope@popejohnsonlaw.com](mailto:pope@popejohnsonlaw.com)

William James Johnson, Esquire  
Smith Terry Johnson & Windle  
21 Battery Park Ave, Suite 201  
Asheville, NC 28801

ATTORNEYS FOR APPELLANT

Other Counsel of Record:

Peter M. Balthazor, Esquire  
Riley Pope & Laney, LLC  
2838 Devine Street  
Columbia, SC 29205

Joshua D. Shaw, Esquire  
Hedrick Gardner Kincheloe & Garofalo, LLP  
1230 Main Street, Suite 325  
Columbia, SC 29201

Michael B. Wren, Esquire  
Davis & Lindemann, P.A.  
P.O. Box 8568  
Columbia, SC 29202-8568



- the court reporter, Karen Ambroziak from the Judicial Webpage that shows the court reporters and the Judges assigned to hear matters on particular dates.
6. My email to the Court Reporter was submitted within ten (10) days from the date the Court of Appeals stamped the Notice of Appeal.
  7. On September 11, 2020, I received an email from Karen Ambroziak stating that she was not the court reporter for the hearing in question, but that Ms. Natalie Dahl was the court reporter. **See attached email from Karen Ambroziak marked as Exhibit B.**
  8. On September 14, 2020, I sent an email to Court Administration and Ms. Natalie Dahl and requested the transcript for the July 16, 2020 hearing and attached a revised Request for Transcript form. **See attached email to Natalie Dahl marked as Exhibit C.** I advised her that I had communicated with Ms. Karen Ambroziak, and Ms. Ambroziak advised me that she was not the court reporter at the hearing on July 16, 2020 in this matter, but that Ms. Dahl was actually the court reporter at the hearing in question. This was done prior to my receipt of the deficiency from the Court of Appeals.
  9. Ms. Dahl responded to me by email. She advised me of the amount of the calculated cost of the transcript. **See attached email from Ms. Dahl marked as Exhibit D.** The morning of September 15, 2020, Mr. Johnson signed the check and I picked it up from the office in the afternoon, but the mail had already run, so I put the letter and check to Natalie Dahl in the morning mail on September 16, 2020, prior to beginning my work day and checking emails. **See attached letter addressed to Natalie Dahl, Court Reporter marked as Exhibit E.**

10. At or around 8:15a.m. on September 16, 2020, I began reviewing the office emails and saw the email from the Court of Appeals advising of the deficiency. **Exhibit F.** This is the first time I had seen the email from the Court of Appeals. The email was dated September 15, 2020 at 3:29p.m. I had not checked the office emails after approximately 12:00p.m. on the 15<sup>th</sup> as I had to attend a funeral that afternoon.
11. At 8:24a.m. on September 16, 2020, I wrote an email to Mr. Johnson advising him of the deficiency letter from the Court of Appeals. **Exhibit G.**

  
TOBIA L. BRADLEY

SWORN TO and subscribed before me

This 17th day of September, 2020.

  
NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission Expires: 07/14/2025

# Exhibit A

## Tobia Bradley

---

**From:** Tobia Bradley  
**Sent:** Thursday, September 10, 2020 3:30 PM  
**To:** 'transcripts@sccourts.org'; 'kambroziak@sccourts.org'  
**Cc:** 'peteb@rplfirm.com'; 'jshaw@hedrickgardner.com'; Michael B. Wren - Davidson & Lindemann, P.A. (mwren@DML-LAW.com); Pope Johnson; 'W. James Johnson'  
**Subject:** Godfrey v. City of Columbia, Richland County & AOS Contractors, Inc. C/A: 2019-CP-40-01358  
**Attachments:** Transcript Req. Form.docx

Dear Ms. Ambroziak and Court Administration:

Please find the attached request for transcript in connection with the above-referenced matter. Should you need anything in regard to this request please do not hesitate to contact our office.

Thank you,

*Tobia L. Bradley*  
*Paralegal to*  
*Pope D. Johnson, III*

Pope Johnson Law  
1230 Richland Street  
Columbia, SC 29201  
803-799-9791

# Exhibit B

## **Pope Johnson**

---

**From:** Ambroziak, Karen <kambroziak@sccourts.org>  
**Sent:** Friday, September 11, 2020 10:38 AM  
**To:** Tobia Bradley; Transcripts  
**Cc:** 'peteb@rplfirm.com'; jshaw@hedrickgardner.com; Michael B. Wren - Davidson & Lindemann, P.A. (mwren@DML-LAW.com); Pope Johnson; W. James Johnson  
**Subject:** Re: Godfrey v. City of Columbia, Richland County & AOS Contractors, Inc. C/A: 2019-CP-40-01358

I have reviewed my records and see I was assigned to Judge J. Newman on July 16, 2020. Natalie Dahl was assigned to Judge Hood on the day you are requesting. I checked my records with Judge Newman just to be sure, but I do not see any reference to the case you are requesting. I am unable to provide this transcript because it appears I was not the court reporter.

Thank you.

Karen Ambroziak, RPR  
Court Reporter for the Honorable Robert E. Hood \_\_\_\_\_  
From: Tobia Bradley <tobia@popejohnsonlaw.com>  
Sent: Thursday, September 10, 2020 3:29:29 PM  
To: Transcripts; Ambroziak, Karen  
Cc: 'peteb@rplfirm.com'; jshaw@hedrickgardner.com; Michael B. Wren - Davidson & Lindemann, P.A. (mwren@DML-LAW.com); Pope Johnson; W. James Johnson  
Subject: Godfrey v. City of Columbia, Richland County & AOS Contractors, Inc. C/A: 2019-CP-40-01358

\*\*\* EXTERNAL EMAIL: This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\* Dear Ms. Ambroziak and Court Administration:

Please find the attached request for transcript in connection with the above-referenced matter. Should you need anything in regard to this request please do not hesitate to contact our office.

Thank you,

Tobia L. Bradley  
Paralegal to  
Pope D. Johnson, III

Pope Johnson Law  
1230 Richland Street  
Columbia, SC 29201  
803-799-9791

~~~~ CONFIDENTIALITY NOTICE ~~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

# Exhibit C

## Tobia Bradley

---

**From:** Tobia Bradley  
**Sent:** Monday, September 14, 2020 11:21 AM  
**To:** 'ndahl@sccourts.org'; 'transcripts@sccourts.org'  
**Cc:** 'peteb@rplfirm.com'; 'jshaw@hedrickgardner.com'; Michael B. Wren - Davidson & Lindemann, P.A. (mwren@DML-LAW.com); Pope Johnson; 'W. James Johnson'  
**Subject:** FW: Godfrey v. City of Columbia, Richland County & AOS Contractors, Inc. C/A: 2019-CP-40-01358  
**Attachments:** Transcript Req. Form.docx

Dear Ms. Dahl:

A Transcript Request was sent to Kim Ambroziak. Ms. Ambroziak has informed us that she was not the court reporter but that she believes you may have been the court reporter in regard to the attached Transcript Request form. We request that you please check your records and advise. If so, please accept the transcript request form as our formal request for the transcript.

Thank you,

*Tobia L. Bradley*  
*Paralegal to*  
*Pope D. Johnson, III*

Pope Johnson Law  
1230 Richland Street  
Columbia, SC 29201  
803-799-9791

---

**From:** Tobia Bradley  
**Sent:** Thursday, September 10, 2020 3:30 PM  
**To:** 'transcripts@sccourts.org' <transcripts@sccourts.org>; 'kambroziak@sccourts.org' <kambroziak@sccourts.org>  
**Cc:** 'peteb@rplfirm.com' <peteb@rplfirm.com>; 'jshaw@hedrickgardner.com' <jshaw@hedrickgardner.com>; Michael B. Wren - Davidson & Lindemann, P.A. (mwren@DML-LAW.com) <mwren@DML-LAW.com>; Pope Johnson <pope@popejohnsonlaw.com>; 'W. James Johnson' <WJJohnson@smithterrylaw.com>  
**Subject:** Godfrey v. City of Columbia, Richland County & AOS Contractors, Inc. C/A: 2019-CP-40-01358

Dear Ms. Ambroziak and Court Administration:

Please find the attached request for transcript in connection with the above-referenced matter. Should you need anything in regard to this request please do not hesitate to contact our office.

Thank you,

*Tobia L. Bradley*  
*Paralegal to*  
*Pope D. Johnson, III*

# Exhibit D

## Tobia Bradley

---

**From:** Dahl, Natalie <ndahl@sccourts.org>  
**Sent:** Monday, September 14, 2020 3:27 PM  
**To:** Tobia Bradley  
**Cc:** Transcripts  
**Subject:** Godfrey v. City of Columbia, Richland County & AOS Contractors, Inc. C/A: 2019-CP-40-01358

Good afternoon!

It was me! In reviewing my records, the transcript is about 45 pages pages. At the current State rate of \$4.25 per page, the total would be \$191.25 for an e-mailed PDF. Per the Rules I have 60 (sixty) days to complete the transcript. Upon receipt of a cashier's check, money order or firm check (NO personal checks, please) for the \$191.25 the 60 (sixty) days begins.

Please send payment to my attention at PO Box 762, Conway, SC 29526. and be sure to enclose the case name and date of hearing as I get multiple requests/payments daily.

If I can be of any further assistance or if you have any questions, please don't hesitate to contact me. You can also reach me at ndahl@sccourts.org<mailto:ndahl@sccourts.org> as I check my e-mail regularly.

Natalie Dahl, RPR  
South Carolina Official Court Reporter

---

**From:** Tobia Bradley <tobia@popejohnsonlaw.com>  
**Sent:** Monday, September 14, 2020 11:21 AM  
**To:** Dahl, Natalie; Transcripts  
**Cc:** 'peteb@rplfirm.com'; jshaw@hedrickgardner.com; Michael B. Wren - Davidson & Lindemann, P.A. (mwren@DML-LAW.com); Pope Johnson; 'W. James Johnson'  
**Subject:** FW: Godfrey v. City of Columbia, Richland County & AOS Contractors, Inc. C/A: 2019-CP-40-01358

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

Dear Ms. Dahl:

# Exhibit E

**POPE D. JOHNSON, III**  
**Attorney at Law**

1230 RICHLAND STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE 803-799-9791  
FAX 803-253-6084

E-Mail: [pope@popejohnsonlaw.com](mailto:pope@popejohnsonlaw.com)

September 16, 2020

**VIA U.S. MAIL & EMAIL**

Natalie Dahl  
Court Reporter  
PO Box 762  
Conway, SC 29526

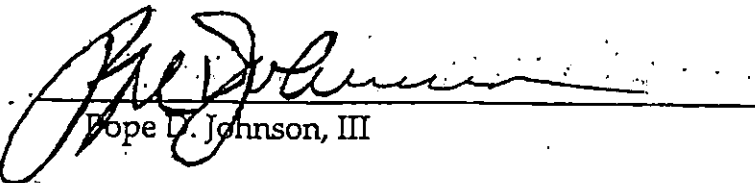
RE: Amanda Creel Godfrey v. City of Columbia, Richland County, and  
AOS Contractors, Inc.  
C/A No.: 2019-CP-40-01358

Dear Ms. Dahl:

Enclosed please find my firm's check in the amount of \$191.25 as payment for the transcript of the hearing held on July 16, 2020 before the Honorable Robert E. Hood in the above matter. Also enclosed is a copy of the Request for Transcript form for your information.

Thank you.

Sincerely,



Pope D. Johnson, III

PDJ/tb  
Enclosures

cc: Joshua D. Shaw, Esquire (via email)  
Michael B. Wren, Esquire (via email)  
Amanda Creel Godfrey (via email)  
W. James Johnson, Esquire (via email)

## 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](mailto: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                         |                                                                                                                                                     |                                                                                              |                          |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|--------------------------|
| <b>Full Name</b><br>Pope D. Johnson, III        | <b>Phone Number</b><br>803-799-3074                                                                                                                 | <b>Email Address</b><br><a href="mailto:Pope@popejohnsonlaw.com">Pope@popejohnsonlaw.com</a> |                          |
| <b>Mailing Address</b><br>1230 Richland Street  | <b>City</b><br>Columbia                                                                                                                             | <b>State</b><br>SC                                                                           | <b>Zip Code</b><br>29201 |
| Transcript Information                          |                                                                                                                                                     |                                                                                              |                          |
| <b>Docket Number</b><br>2019-CP-40—1358         | <b>Case Caption</b> (i.e. State v. John Doe or Smith v. Smith)<br>Amanda Creel Godfrey v. City of Columbia, Richland County & AOS Contractors, Inc. |                                                                                              |                          |
| <b>Date(s) of Proceeding:</b> July 16, 2020     | <b>Circuit</b> <input checked="" type="checkbox"/><br><b>Family</b> <input type="checkbox"/>                                                        | <b>County</b><br>Richland                                                                    |                          |
| <b>Presiding Judge</b><br>Hon. Robert E. Hood   | <b>Expedited</b> Yes <input type="checkbox"/><br>No <input checked="" type="checkbox"/>                                                             |                                                                                              |                          |
| <b>Court Reporter(s)</b><br><u>Natalie Dahl</u> | <b>Opposing Counsel</b><br><u>Peter M. Balthazor, Joshua D. Shaw and Michael B. Wren</u>                                                            |                                                                                              |                          |

**Requestor's Signature:** Pope D. Johnson, III  
(Typed name will serve as signature)

**Date:** Sept. 10, 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                                                                               |                               |                               |                          |
|-----------------------------------------------------------------------------------------------------------|-------------------------------|-------------------------------|--------------------------|
| <b>Full Name</b><br>_____                                                                                 | <b>Date Received</b><br>_____ | <b>Email Address</b><br>_____ |                          |
| <b>Notice of Estimate to Requestor Party</b><br>Date: _____ Number of Pages: _____ Estimated Amount _____ |                               |                               |                          |
| <b>Mailing Address for Payment</b><br>_____                                                               | <b>City</b><br>_____          | <b>State</b><br>_____         | <b>Zip Code</b><br>_____ |

# Exhibit F

## Pope Johnson

---

**From:** Clark, Tyler P. <tpclark@sccourts.org>  
**Sent:** Tuesday, September 15, 2020 3:29 PM  
**To:** jshaw@hedrickgardner.com; peteb@rplfirm.com; Pope Johnson;  
wjjohnson@smithterrylaw.com; mwren@dml-law.com  
**Cc:** lstevens@hedrickgardner.com; mtrifos@rplfirm.com; Sherry Wise; Iroche@dml-law.com  
**Subject:** Godfrey v. City of Columbia 2020-001205  
**Attachments:** TC Godfrey v. City of Columbia - Letter.pdf

Dear Counsel,

Please find correspondence from the Court of Appeals.

Sincerely,

### Tyler Clark

Appeals Specialist  
SC Court of Appeals  
1220 Senate St.  
Columbia, SC 29201  
Ph. (803) 734-1890  
F. (803) 734-1839

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## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

September 15, 2020

Mr. Pope D. Johnson, III, Esquire  
1230 Richland Street  
Columbia SC 29201

Mr. William James Johnson, Esquire  
Smith Terry Johnson & Windle  
21 Battery Park Ave, Suite 201  
Asheville NC 28801

Re: Amanda Godfrey v. City of Columbia  
Appellate Case No. 2020-001205

Dear Counsel:

Our records reflect that the time for ordering the transcript has expired. Within ten (10) days of the date of this letter, you must file a copy of the letter showing that you have ordered the transcript directly from the court reporter, along with a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the South Carolina Appellate Court Rules. Your appeal will be dismissed if no motion is made within ten (10) days of the date of this letter.

Very truly yours,

*V. Claire Allen*

CLERK

cc: Peter M Balthazor, Esquire  
Michael Brian Wren, Esquire  
Joshua Daniel Shaw, Esquire

# Exhibit G

## **Pope Johnson**

---

**From:** Tobia Bradley  
**Sent:** Wednesday, September 16, 2020 8:24 AM  
**To:** Pope Johnson  
**Subject:** Godfrey/Transcript/Court of Appeals

Pope,

We ordered the transcript on Sept. 10<sup>th</sup>. The Notice of Appeal was received by the Court of Appeals on August 31, 2020 (we have a stamped copy of the notice). September 10<sup>th</sup> is exactly 10 days. Unfortunately, we ordered the transcript from Karen Ambroziak who ended up not being the court reporter. We sent a request for the transcript to Natalie Dahl and we mailed her a check for the transcript this morning.

The Court of Appeals is saying we requested the transcript late and they want us to file a motion to requesting permission to order the transcript outside of the deadlines.

How do want to handle this?

*Tobia L. Bradley*  
*Paralegal to*  
*Pope D. Johnson, III*

Pope Johnson Law  
1230 Richland Street  
Columbia, SC 29201  
803-799-9791

**NOTICE OF APPEAL IN A CIVIL CASE**

The State of South Carolina  
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Robert E. Hood, Circuit Court Judge

**RECEIVED**

SEP 17 2020

**SC Court of Appeals**

Appellate Case No. 2020-001205

Amanda Creel Godfrey, Appellant.

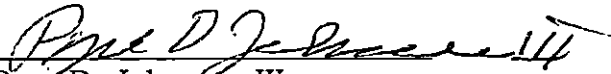
v.

City of Columbia, Richland County & AOS Contractors, Defendants,  
of which City of Columbia, Richland County, and AOS Contractors, Inc. are the  
Respondents.

**PROOF OF SERVICE**

I certify that I have served the Notice of Motion Requesting Permission to Order the Transcript Outside of the Filing Deadline with Supporting Affidavit on the City of Columbia, Richland County and AOS Contractors by depositing a copy of it in the United States Mail, postage prepaid, on September 17, 2020, addressed to their attorneys, Peter M. Balthazor, Esquire, at his office at Riley Pope & Lane, LLC, 2838 Devine Street, Columbia, SC 29205, Joshua D. Shaw, Esquire at his office at Hedrick Gardner Kincheloe & Garofalo, LLP, 1230 Main Street, Suite 325, Columbia, SC 29201, and Michael B. Wren, Esquire at Davis Lindemann, PA, PO Box 8568, Columbia, SC 29202.

September 17, 2020

  
Pope D. Johnson, III  
1230 Richland Street  
Columbia, SC 29201  
(803) 799-9791  
[pope@popejohnsonlaw.com](mailto:pope@popejohnsonlaw.com)

and

William James Johnson, Esquire  
Smith Terry Johnson & Windle  
21 Battery Park Ave, Suite 201  
Asheville, NC 28801

ATTORNEYS FOR APPELLANT

Other Counsel of Record:

Peter M. Balthazor, Esquire  
Riley Pope & Laney, LLC  
2838 Devine Street  
Columbia, SC 29205

Joshua D. Shaw, Esquire  
Hedrick Gardner Kincheloe & Garofalo, LLP  
1230 Main Street, Suite 325  
Columbia, SC 29201

Michael B. Wren, Esquire  
Davis & Lindemann, P.A.  
P.O. Box 8568  
Columbia, SC 29202-8568

**POPE D. JOHNSON, III**  
**Attorney at Law**

1230 RICHLAND STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE 803-799-9791  
FAX 803-253-6084

**RECEIVED**

SEP 17 2020

**SC Court of Appeals**

E-Mail: [pope@popejohnsonlaw.com](mailto:pope@popejohnsonlaw.com)

September 17, 2020

**HAND-DELIVERED**

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

RE: Amanda Creel Godfrey v. City of Columbia, Richland County, and  
AOS Contractors, Inc.  
Appellate Case No. 2020-001205

Dear Ms. Kitchings:

Please find enclosed the original and seven (7) copies of Appellant's Notice of Motion and Motion Requesting Permission to Order the Transcript Outside of the Filing Deadline, my firm check in the amount of \$50.00 for the required filing fee, an Affidavit of Tobia L. Bradley which is submitted in Support of Appellant's Motion and a copy of the letter to the court reporter requesting the transcript. Please see the Affidavit of Tobia L. Bradley. Please clock-in and return the additional copy to me in the enclosed, self-addressed envelope.

By copy of this letter to all counsel of record, I am herewith serving by mail a copy of this Motion and Supporting Affidavit upon all counsel of record.

Sincerely,

  
Pope D. Johnson, III

PDJ/tb

Enclosures

cc: W. James Johnson, Esquire  
Peter M. Balthazor, Esquire  
Joshua D. Shaw, Esquire  
Michael B. Wren, Esquire  
Amanda Creel Godfrey