

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

December 11, 2020

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

RECEIVED
Dec 11 2020
SC Court of Appeals

RE: Ex Parte: Donald L. Smith (In Re: Battersby v. Kirkman)
Appellate Case No. 2020-000070

Dear Ms. Kitchings:

In response to this Honorable Court's Letter dated December 8, 2020, Appellant submits that that the transcripts for the October 2, 2015 and April 21, 2016 hearings in the underlying case, which was ordered from Ms. Vivian Cross, have not been received by Appellant.

On November 23, 2020, Appellant was informed by Ms. Cross that she had not completed the April 21, 2016 transcript, having only finished transcribing the October 2, 2015 hearing. Attached is the latest 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#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 M. Krause, Esquire
Mr. Timothy Alan Nowacki, Esquire



Aisa Ford <aisaford0302@gmail.com>

Re: Battersby

2 messages

Don Smith <attorneydonaldsmith@gmail.com>

Mon, Nov 23, 2020 at 5:48 PM

To: Vivian Cross <crossv697@aol.com>, Aisa Ford <aisaford0302@gmail.com>

Yes, ma'am. Thank you very much for the update.

On Mon, Nov 23, 2020 at 2:13 PM Vivian Cross <crossv697@aol.com> wrote:

Don,

I have sat the June 2015 hearing aside. I have the October 2, 2015 hearing done. Going to move on to the April 21, 2016 one in hopes I can become attuned to voices.

Vivian

Sent from my iPhone

--

Donald L. Smith

Attorney Office of Donald Smith

122 N. Main St.

Anderson SC 29621

Telephone: (864) 642-9284

Facsimile: (864) 642-9285

attorneydonaldsmith@gmail.com

Don Smith <attorneydonaldsmith@gmail.com>

Wed, Dec 9, 2020 at 1:24 PM

To: Vivian Cross <crossv697@aol.com>, Aisa Ford <aisaford0302@gmail.com>

Vivian:

The Court of Appeals has contacted me again regarding the missing transcripts. I believe the October 2nd hearing and April 21st hearings are all that is missing from my transcript requests. Diane Marcengill took care of the June hearings. I hope you and yours are well and somewhat prepared for the holiday season.

Sincerely,

Don

[Quoted text hidden]

**FORM 7
PROOF OF SERVICE**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

R. Lawton McIntosh, Judge

Case No. 2015-CP-04-00667
Appellate Case No. 2020-000070

RECEIVED
Dec 11 2020
SC Court of Appeals

Ex Parte: Donald L. Smith,
In Re: Greg Battersby,

Appellant,
Plaintiff

v.

J. Kirkman Moorehead, Krause, Moorhead &
Draisen, P. A., All State Insurance Company,
And Allstate Northbrook Indemnity Company,

Defendants,

J. Kirkman Moorehead, Krause, Moorhead &
Draisen, P. A.,

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

Attorney for Respondents

Mr. Steven M. Krause, Esquire

steve@krauselaw.org

Mr. Timothy Alan Nowacki, Esquire

tim@theclardylawfirm.com

Office of Court Administration
Ms. Tammy Holmes

transcripts@sccourts.org
tholmes@sccourts.org

The above-mentioned documents have been served on December 11, 2020.

s/Donald L. Smith
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Anderson, South Carolina
December 11, 2020.