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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SUMTER COUNTY
MASTER IN EQUITY

Case No. 2015-CP-43-1981
Appellate Case No. 2021-000230

Edward Mays and Corrine Mays.....
Respondents,
Irene L. Myers.....
Appellant.

MOTION FOR CLARIFICATION AND TO COMPEL

(1)

The Court's Order of October 14, 2021 Does Not Indicate Whether it is the Duty of the Master In Equity to Furnish the Court Reporter's Contact Information to the Appellant to Facilitate the Ordering of Transcripts , or if Appellant Must Somehow Obtain this Information, Which is Solely in the Custody of the Master-In-Equity and Respondent, Through Her Own Investigative Endeavors

The South Carolina Office of Court Administration has informed Appellant that it is the Master-In-Equity, who must be contacted for the purposes of obtaining transcripts of hearings conducted in that court. This has been confirmed in writing and via the Court Administration's website. See attached **Exhibit 1**, Court Administration Letter, dated April 2, 2021; and **Exhibit**

2, copy of Court Administration's website. Although the Appellant requested the court reporter's contact information from the Master in Equity to make arrangements for payment for the transcripts, the Master-In-Equity has ignored Appellant's requests and refused to facilitate Appellant's obtainment of the transcripts. In response to the Master-In-Equity's unreasonable stance, the Appellant, on a prior occasion asked this Court to compel the Master-In-Equity to fulfill his duty relating to providing the transcripts.

The Appellate Court granted Appellant an extension of time to request the transcripts, but denied Appellant's request to compel the Master-In-Equity to fulfill his duty in order for Appellant to procure the transcripts. The Court's Order of October 14, 2021 did not address whether transcripts are to be obtained through the Master-In-Equity as outlined by the Court Administration or if Appellant must bear the burden of locating and obtaining transcripts from the stenographer(s) solely under the control of the Master-In-Equity and counsel for the plaintiffs. Confer with the Court's Order, dated October 14, 2021; herein, attached **Exhibit 3**. The Court's clarification of this matter will assist not only Appellant, but future litigants seeking to obtain transcripts. Appellant through her on research has not been able to find a listing through Google, the white and yellow pages or through a listing of Court stenographers by the Office of Court Administration of the court reporter, Katheleen Owens-Hays, who is cited by the Master in Equity as being the Court Reporter for the alleged hearing of January 8, 2020. The Master-In-Equity fails to identify the name of the individual acting as Court Reporter for the August 25, 2020 and October 27, 2020 hearings. Again, this alleged Court Reporter was within the sole control of the Master-In-Equity and the Respondents, who allegedly paid such person \$275 in Appellant's behalf, but never provided a receipt or any information as to who the \$275 went to.

Wherefore Appellant asks this Court to provide clarification in this matter.

(2)

The Court's Order of October 14, 2021 Does not Clarify Whether a Master In Equity can Override the Directions and Procedures of Court Administration Which is Under the Authority of the Chief Judge of the South Carolina Judicial System and Ignore a Legitimate Request for Transcripts

Again, the South Carolina Office of Court Administration has informed Appellant that it is the Master-In-Equity, who must be contacted for the purposes of obtaining transcripts of hearings conducted in that court. This has been confirmed in writing and via the Court Administration's website. See attached **Exhibit 1**, Court Administration Letter, dated April 2, 2021; and **Exhibit 2**, copy of Court Administration's website. Although the Appellant contacted the Master in Equity to make arrangements for payment and obtaining the transcripts, the Master-In-Equity has ignored Appellant's requests and refused to facilitate Appellant's obtainment of the transcripts.

Wherefore, an Order clarifying this matter would resolve any questions as to individuals and their duties of office.

(3)

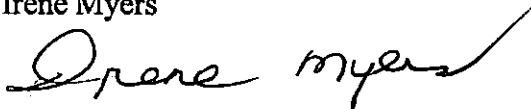
Appellant Asks This Court to Compel the Master-In-Equity to Fulfill Duty Relating to Transcripts and to Compel Respondents to Provide the alleged Court Reporter(s) Contact Information, Billing Receipts, and all Documentation and Information Related to the Alleged \$275 Paid by Respondents to the Alleged Stenographer in Appellant's Behalf

Both the Master-In-Equity and counsel for the Plaintiffs have had exclusive control over the selection and information relating thereto of the alleged stenographer(s) within this case. Notably, although \$275 was alleged to have been paid to a stenographer in Defendant's behalf by the Plaintiffs at the direction of the Court, no receipt or information was provided to the

Defendant as to where and who the \$275 actually went to. The Master in Equity refers to a court reporter in his Order granting Respondents motion for a restraining order but does not cite the name of a court reporter on his Order. To date, Appellant has been unable to locate the alleged stenographer. Based upon the Master-In-Equity's control in the selection of the alleged stenographer, the repeated disregard of Appellant's attempts to obtain the transcripts, and the question of judicial misconduct by the Master-In-Equity within this case, Appellant asks that this Court grant a motion to Compel the Master-In-Equity to fulfill his duty relating to the transcripts as outlined by the South Carolina Office of Court Administration. Appellant further asks this Court to compel Respondents' attorney Patrick Killen, to provide the court reporter's contact information and receipts related to the alleged \$275 paid to the alleged Court Reporter by Respondents in Appellant's behalf.

Wherefore, Appellant asks that this Court grant the relief requested herein and any other relief the Court deems appropriate within this matter.

Irene Myers

A handwritten signature in cursive script that reads "Irene Myers". The signature is written in black ink and is positioned below the typed name.

Dated: October 29, 2021

Exhibit 1



South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

TONNYA K. KOHN
STATE COURT ADMINISTRATOR

KARAMA BAILEY
DEPUTY DIRECTOR

1220 SENATE STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1800
FAX: (803) 734-0269
EMAIL: kbailey@sccourts.org

April 2, 2021

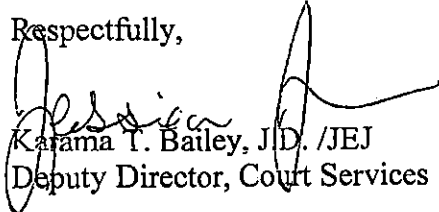
Ms. Irene Myers
3150 Spencer Road
Rémbert, SC 29128

Dear Ms. Myers:

I am writing in response to your letter received by this office on March 18, 2021. In your letter, you are requesting a transcript. In your letter, you also stated that you reached out to a Master of Equity court reporter in regards to this request. If you are requesting a transcript from circuit and family courts, please respond with the name of the Judge, County and dates of hearing. If the case was held in any other court, you will need to contact that court directly to request a transcript.

Please do not hesitate to contact this office again, if you have questions regarding court reporters and/or to obtain transcripts from proceedings in circuit or family court in this state.

Respectfully,


Karama T. Bailey, J.D. /JEJ
Deputy Director, Court Services

How do I obtain a transcript?

Anyone who is a party or an attorney interested in obtaining a transcript from a court proceeding in Circuit or Family Court must order the transcript in writing by contacting the court reporter assigned to record the proceedings. If the requestor is a non-party, the court reporter must get a court order to provide the transcript. You may request a transcript by completing this [form](#) and emailing it to South Carolina Court Administration at transcripts@sccourts.org and to the Court Reporter. If you are requesting a transcript from court proceedings in Municipal, Magistrate, Master-In-Equity, or Probate court, you must contact that court directly.

The following instructions explain how you can find the Court Reporter's email address and mailing address.

1. Hover over the calendar drop down menu on the far right of the top menu.
2. Click "Terms of Court" in the drop down menu.
3. Select the circuit/ county where the term was held.
4. At the top of the following page, you can select the month and year when the court was held.
5. Once the correct month and year is selected, click the "Go To Date" button.
6. After the page loads, you will see the terms separated into weeks for the month. Circuit court will be in the top section and Family court will be in the bottom section.
7. Find the day and the Judge who presided. You will see the court reporter's last name below the Judge's name. Click on the court reporter's last name to open their information page.
8. Once the page has loaded, you will find the court reporter's full name, email address, and mailing address.

Once your request is received, court reporters should acknowledge your request in writing within five business days, advising you of the cost to obtain the transcript. Court reporters do not accept personal checks. You will be instructed to send a money order or certified bank check in order to obtain the transcript.

Pursuant to South Carolina Appellate Court Rule 607, court reporters have 60 days to prepare and deliver the transcript after satisfactory payment arrangements are made. If the court reporter is unable to complete the transcript in 60 days, he or she may request a 30-day extension. If this extension is granted, you will be notified by Court Administration. Court reporters may ask for up to three extensions from Court Administration. If court reporters are unable, due to heavy transcript loads, time in court, or other extenuating circumstances, to produce the transcript within that additional 90-day time frame, they may request an additional extension from the Chief Justice. If granted, you will be notified by Court Administration.

If after following this procedure, your request is not acknowledged, or the transcript has not been received, you may contact Court Administration, and we will be glad to assist you. If you are requesting a transcript from digital court proceedings, contact Tammie Holmes, Court Reporter Manager, via email: tholmes@sccourts.org, or at South Carolina Court Administration, 1220 Senate Street, Suite 200, Columbia, SC 29201.

The South Carolina Court of Appeals

Edward Mays and Corrine Mays, Respondents,

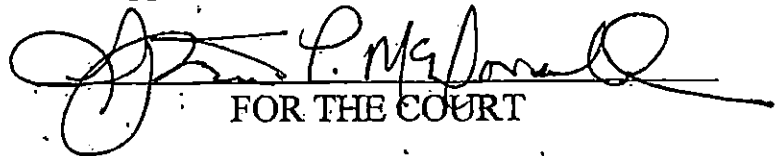
v.

Irene L. Myers, Appellant.

Appellate Case No. 2021-000230

ORDER

After careful consideration, Respondents' motion to dismiss is denied. Appellant's request to compel the master-in-equity is denied. Appellant's motion for an extension of time is granted. Within twenty days of the date of this order, Appellant shall serve and file proof she has ordered the transcript. Failure to comply may result in dismissal of this appeal.


FOR THE COURT

Columbia, South Carolina

cc:
Irene L. Myers
Patrick McFadden Killen, Esquire

FILED
Oct 14 2021

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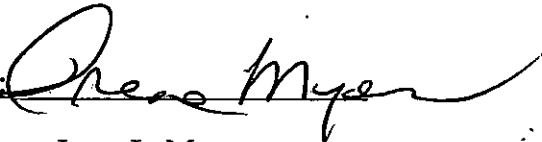
Irene L. Myers.....

Appellant.


PROOF OF SERVICE

I affirm, under the penalty of perjury, I have served a copy of my Motion for Clarification and to Compel with attached exhibits, dated October 29 of 2021, in the above case to the Respondents via their counsel, Patrick M. Killen by depositing a copy of it in the United States Mail, postage prepaid, on October 29, 2021, addressed to Patrick M. Killen, 1 Law Range, Suite B, Sumter, South Carolina 29150.

Sworn to Before Me This 29th Day of
October 2021

By: 

Irene L. Myers
3150 Spencer Road
Rembert, South Carolina 29128
(803) 757-5155
rosesbyirene@hotmail.com



Sumter, South Carolina
Date: October 29, 2021



*Dore Myers
3150 Spruce Road
Lombert, SC 29108*

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