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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

The Hon. Michael M. Jordon, Master In Equity

Case No. 2015-CP-43-1981

Appellate Case No. 2021-000230

Edward Mays and Corrine Mays.....
Respondents,

v.

Irene L. Myers.....
Appellant.

RETURN TO MOTION FOR CLARIFICATION AND TO COMPEL
AND RESPONDENT'S THIRD MOTION TO DISMISS

Respondents by and through their undersigned attorney, file this Return to Appellant's Motion for Clarification and to Compel as well as file their Third Motion to Dismiss.

Appellant represented herself in this Court of Common Pleas matter which was adjudicated by the Hon. Michael B. Jordon, Sumter County, Master-in-Equity. Appellant is *pro se* before this Honorable Court.

In her Motion for Clarification and to Compel, Appellant again states that, "the Master-in-Equity has ignored Appellant's requests and refused to facilitate Appellant's obtainment of the transcripts." Respondents would point out that it is neither the responsibility nor the duty of the

Master-in-Equity to locate and identify the court reporter for a litigant. That responsibility lies solely with the litigant who is interested in obtaining that information. This Court was correct in its previous decision to deny Appellant's Motion to Compel the Master-in-Equity to produce the contact information of the court reporter, because, as stated above, it is not the responsibility nor the duty of the Master-in-Equity to provide that information. If the Appellant was interested in that information, she could have made that arrangement at the time the hearing was conducted (the same hearing where the Appellant was ordered to leave the courtroom by the presiding Master-in-Equity). However, Appellant failed to make arrangements with the Court Reporter at the hearing in front of the Master-in-Equity when she had the opportunity.

Second, Appellant, in her Motion for Clarification and to Compel, makes outrageous claims that Respondents paid \$275.00 on Appellant's behalf (emphasis added) to obtain the services of a court reporter. Through this statement, Appellant seeks to mislead this court by claiming that the Respondent's obtained a court reporter for hearings on this matter for the Appellant. That statement could not be further from the truth. As this Honorable Court is aware, it is the responsibility of the party who seeks to obtain a hearing in front of a Special Referee or Master-in-Equity, to personally obtain a court reporter for said hearing. In the matter that led to appeal, counsel for Respondents followed proper procedure and obtained a court reporter for the hearings held on August 25, 2020 and October 27, 2020. Counsel for Respondents at no time made statements or led Appellant to believe that they were obtaining a court reporter for Appellant and that they would pay for same on her behalf.

Third, Appellant, in her Motion for Clarification and to Compel, seeks to compel counsel for Respondent's to provide her with the contact information of the court reporter. It is not the responsibility of counsel for the Respondents to provide this information to the Appellant, as she

as a *pro se* litigant perfectly capable of and required to make the necessary arrangements to obtain this information on her own. Appellant will find not find a single source within South Carolina case law or statutory law that directs that it is the responsibility of the Respondents to provide Appellant with the information that she has requested.

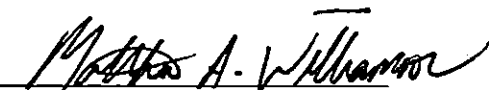
Lastly, the Appellant has failed to comply with this Honorable Court's October 14, 2021, Order granting Appellant an additional 20 days from the date of its Order to provide proof that she has made "satisfactory arrangements (including agreement regarding payment for the transcript), in writing with the court reporter for furnishing the transcript." It is now November 4, 2021, and Appellant failed to submit evidence that she made satisfactory arrangements in writing with the court reporter for furnishing the transcript or ask for an extension of the 20 days.

CONCLUSION

For the reasons stated above, the Court should deny Appellant's Motion for Clarification and to Compel and dismiss the above-captioned appeal.

Respectfully submitted,

SHULER-KILLEN, LLC

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Sumter, South Carolina
Date: November 5, 2021

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Appellant.

PROOF OF SERVICE

I certify that I have served the Return to Motion for Clarification and to Compel and Respondent's Third Motion to Dismiss on Irene L. Myers by depositing a copy of it in the United States Mail, postage prepaid, on November 5, 2021, addressed to the Pro Se Appellant, Irene L. Myers, 3150 Spencer Road, Rembert, SC 29128.

SHULER-KILLEN, LLC

By: Matthew A. Williamson

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Sumter, South Carolina
Date: November 5, 2021

REAL ESTATE & BUSINESS
FRANKLIN M. SHULER
REBECCA L. WADE



LITIGATION
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MATTHEW A. WILLIAMSON

November 5, 2021

The South Carolina Court of Appeals
Attn: Jenny Abbott Kitchings – Clerk of Court
P.O. Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

Re: Edward Mays v. Irene L. Myers
Appellate Case No. 2021-000230

Dear Mrs. Kitchings:

Enclosed for your records please find the Return to Motion for Clarification and to Compel and Respondent's Third Motion to Dismiss with the attached Proof of Service.

Please utilize the enclosed check as payment for the filing fee.

Sincerely,

Leanna A. Whitaker
Legal Assistant

/law

Enclosures

cc: Edward and Corrine Mays (w/ enclosures)
Irene L. Myers (w/ enclosures)



SHULER-KILLEN
LAW FIRM

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