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Jun 23 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas
Bentley Price, Circuit Court Judge

Case No. 2018-CP-08-00266 & 2018-CP-08-01008
Appellate Case No.: 2019-001169

Aracelis Santos,Appellant,

vs.

Harris Investment Holdings, L.L.C.,Respondent.

&

Case No. 2021-CP-08-00513
Appellate Case No.: 2021-000768

Aracelis Santos,Appellant,

vs.

Harris Investment Holdings, L.L.C.
City of Hanahan,
City of Hanahan Police Department,
John Doe #1 and John Doe #2
Employees of the City of Hanahan Police Department,Defendants,
of which
Harris Investment Holdings, L.L.C. is the.....Respondent.

APPELLANT’S MOTION TO CONSOLIDATE APPEALS

June 23, 2021

/s/ Thomas R. Goldstein
Thomas R. Goldstein, S. C. Bar No. 2186
Belk, Cobb, Infinger & Goldstein, P.A.
P. O. Box 71121
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ATTORNEYS FOR APPELLANT

Pursuant to Rules 214 and 240, *South Carolina Appellate Court Rules*, Appellant moves for an Order of the Court consolidating Appeals Numbers 2019-001169 and 2021-00768. This motion is based on the following grounds:

Rule 214 states: “Where there is more than one appeal from the same order, judgment, decision, or decree, or where the same question is involved in two or more appeals in different cases, the appellate court may, in its discretion, order the appeal to be consolidated.” Here, the two appeals involve the same parties and the same transaction and the same subject matter. 2019-001169 is an appeal from a 2017 Order granting ejectment and a 2018 Order granting attorney’s fees arising out of a landlord/tenant dispute at 5901 Loftis Road. While that case was on appeal, the Landlord demolished both the building and Appellant’s restaurant equipment in March 2019, which led to Appellant’s March 2, 2021 suit for conversion, *etc.*, a suit which the circuit court dismissed as to Harris Investment Holdings, L.L.C. on a 12(b)(6) motion. An appeal from that dismissal is now pending in this Court as Appeal Number 2021-000768.

Therefore, the two appeals involve the identical parties over the identical subject matter with overlapping legal questions, and it serves judicial economy to consolidate the two cases to be resolved in a single appeal.

Respectfully submitted,

June 23, 2021

/s/ Thomas R. Goldstein
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CERTIFICATE OF CONSULTATION

I certify that prior to filing this motion for consolidation, I consulted with opposing counsel who opposes this request.

June 23, 2021

/s/ Thomas R. Goldstein
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In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas
Bentley Price, Circuit Court Judge

Case No. 2018-CP-08-00266 & 01008
Appellate Tracking No.: 2019-001169
&
Case No. 2021-CP-08-00513
Appellate Tracking No.: 2021-000768

Aracelis Santos, Appellant,

vs.

Harris Investment Holdings, L.L.C.
the City of Hanahan, John Doe #1 and
John Doe #2 Defendants,

of whom
Harris Investment Holdings, L.L.C. is Respondent.

PROOF OF SERVICE

I certify that I have served the Motion to Consolidate Appeals upon the Respondent, Harris Investment Holdings, L.L.C., by depositing a copy of it in the United States Mail, postage prepaid, on June 23, 2022, addressed to the attorneys of record for the Harris Investment Holdings, L.L.C., Merritt Abney, 151 Meeting Street, Sixth Floor, Charleston, S. C. 29401-2239 (and to counsel for the City of Hanahan, *et. al.*, by depositing a copy of it in the United States Mail, postage prepaid the same date to Stafford J. McQuillin, III at P. O. Box 340, Charleston, S. C. 29402).

June 23, 2022

/s/ Thomas R. Goldstein
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June 22, 2022

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Hon. Jenny A. Kitchings,
Clerk of Court
S. C. Court of Appeals
P. O. Box 11629
Columbia, S. C. 29211

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Jun 23 2022

SC Court of Appeals

Re: Aracelis Santos v. Harris Investment Holdings, L.L.C., *et. al.*
Case Nos.: 2018CP-08-00266, 2018-CP-08-01008, & 2021-CP-08-00513
Tracking Numbers: 2019-001169 & 2021-000768

Dear Ms. Kitchings,

I enclose Appellant's two motions: one to allow the Appellant leave to file a 27-page Reply Brief in Case No. 2021-00768 and a second motion to consolidate two appeals, 2019-001169 and 2021-000768. I also enclose our firm's check in the amount of \$100.00 to cover the filing fees for these two motions. By copy of this letter, I am providing a copy to opposing counsel. I thank you in advance for your attention to this request. With kind regards, I am

Very truly yours,

BELK, COBB, INFINGER & GOLDSTEIN, P.A.
Thomas R. Goldstein

TRG/

enclosure: Motion for leave to exceed page limitation; Motion to consolidate appeals;
check No. 19970

cc:

Merritt Abney, Esq.
151 Meeting Street
Sixth Floor
Charleston, S. C. 29401
Stafford J. McQuillin, Esq.