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**Oct 10 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable George M. McFaddin, Jr., and Roger M. Young, Sr. Circuit Court Judges

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Appellate Case No. 2023-001494

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Charleston SC Property Holdings, LLC, and Hanahan SC Property Holdings, LLC, Respondents,

v.

Rittenberg OP, LLC, Hanahan OP, LLC, Goldner Capital Management, LLC, SC Two OP Holdings, LLC, and Samuel Goldner, Appellants.

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MOTION TO REQUEST TRANSCRIPT OUT OF TIME

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Appellants Rittenberg OP, LLC, Hanahan OP, LLC, Goldner Management, LLC, SC Two OP Holdings, LLC, and Samuel Goldner (“Appellants”) hereby move the Court to grant Appellants permission to request the relevant WebEx hearing transcripts out of time. A copy of the correspondence requesting the relevant virtual hearing transcripts, which has already been submitted via email to Ms. Tammie Holmes for purposes of avoiding any additional delay, is attached hereto. Undersigned counsel was mistakenly waiting on confirmation of the Court of Appeals’ receipt of counsel’s September 19, 2023 correspondence and the check for \$250.00 for the filing fee required by Rule 203(d)(1)(B)(iii), SCACR, to submit the transcript request. Accordingly, based on receipt of the Court’s September 26, 2023 correspondence, counsel calendared the submission of the request for transcript for October 6, 2023. However, prior to submitting the request for the WebEx transcripts on October 6, 2023, counsel received the correspondence from the Court indicating the deadline to request the transcript had passed.

Consequently, undersigned counsel realized the error in calculation of the transcript request deadline and immediately began drafting the necessary documentation to rectify the error. The brief delay in requesting the WebEx transcripts was the result of a good faith mistake for which undersigned counsel sincerely apologizes and respectfully requests the gracious allowance of this Honorable Court to rectify.

October 10, 2023

BRUMBACK & LANGLEY, LLC

s/Christopher T. Brumback  
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Property Holdings, LLC, and Hanahan SC  
Property Holdings, LLC

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# BRUMBACK & LANGLEY, LLC

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GENERAL & COMPLEX LITIGATION

BUSINESS & CORPORATE LAW

APPELLATE PRACTICE

CRIMINAL DEFENSE

PERSONAL INJURY

October 9, 2023

**VIA ELECTRONIC MAIL— [tholmes@sccourts.org](mailto:tholmes@sccourts.org); [transcripts@sccourts.org](mailto:transcripts@sccourts.org)**

Ms. Tammie Holmes, Court Reporter Manager

1220 Senate St., Suite 200

Columbia, SC 29201

Re: *Charleston SC Property Holdings, LLC v. Rittenberg OP, LLC et al.*

*C.A. No. 2023CP1001512*

*Appellate Case No. (2023-001494)*

Ms. Holmes:

I am writing you today on behalf of my clients, Rittenberg OP, LLC, Hanahan OP, LLC, Goldner Management, LLC, SC Two OP Holdings, LLC, and Samuel Goldner, to request the transcript of the WebEx hearings that were held in the above-referenced case before The Honorable George M. McFaddin on April 11, 2023 at 11:00 a.m. and before The Honorable Roger M. Young, Sr. on August 23, 2023 at 1:30 p.m. for purposes of the appeal that is presently pending before the South Carolina Court of Appeals. If additional information is needed to process this request, please contact my office at your earliest convenience.

With kindest regards, I am

Truly yours,

s/Christopher T. Brumback

Christopher T. Brumback, Esq.

Brumback & Langley, LLC

CTB/

cc: The Honorable Jenny A. Kitchings (via [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org))

Charles Summerall, IV (via email)

Michael H. Weaver (via email)

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v.

Rittenberg OP, LLC, Hanahan OP, LLC, Goldner Capital Management, LLC, SC Two OP Holdings, LLC, and Samuel Goldner, Appellants.

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PROOF OF SERVICE

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The undersigned hereby certifies that on this 10th day of October 2023, counsel of record for Respondents were served with a copy of Appellant's Motion to Request Transcript Out of Time, along with Appellant's letter to Ms. Tammie Holmes requesting copies of the relevant transcripts using the primary e-mail addresses listed in the Attorney Information System for Respondents' counsel.

October 10, 2023

BRUMBACK & LANGLEY, LLC

s/Christopher T. Brumback

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Attorneys for Appellants

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SC Court of Appeals

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APPELLATE PRACTICE  
CRIMINAL DEFENSE  
PERSONAL INJURY

October 10, 2023

**VIA ELECTRONIC SUBMISSION & U.S. MAIL**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: *Charleston SC Property Holdings, LLC et al. v. Rittenberg OP, LLC et al.*  
*Appellate Case No. (2023-001494)—Motion to Request Transcript Out of Time; Letter*  
*Requesting WebEx Transcripts; and Response to September 25, 2023 Correspondence*

Dear Ms. Kitchings:

I hope this correspondence finds you well. Please find submitted herewith, Defendants' Motion to Request Transcript Out of Time, a copy of the letter to Ms. Tammie Holmes requesting the transcripts of the relevant WebEx hearings, and Proof of Service on Respondents for the enclosed documents. In addition to this electronic submission, a hard copy of this letter without enclosures will be mailed to the Office of the Clerk of Court for the Court of Appeals enclosing a check for the Fifty and No/100 Dollars (\$50.00) filing fee for the Motion to Request Transcript Out of Time.

Additionally, and to avoid further confusion or delay, although it appears from the Court's September 26, 2023 correspondence that the issues raised in the Court's September 25, 2023 correspondence were resolved, out of an abundance of caution, undersigned counsel is enclosing an supplemental Proof of Service for the Notice of Appeal. Finally, to eliminate any doubt as to when written notice of the Orders in question were received by Appellants, the Orders were filed and served by way of the South Carolina Electronic Filing System and thus Appellant's counsel received written notice of the Orders via Electronic Service on the same day the Orders were E-filed by the lower court as stated in the Notice of Appeal and evidenced by the timestamp on the Orders attached to the Notice of Appeal. My apologies for any error or confusion.

The Honorable Jenny Abbott Kitchings  
October 10, 2023  
Page 2 of 2

With kindest regards, I am

Truly yours,

s/Christopher T. Brumback

Christopher T. Brumback, Esq.  
Brumback & Langley, LLC

CTB/

cc: Charles Summerall, IV(via email)  
Michael H. Weaver (via email)