

RECEIVED

Mar 20 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Appellate Case No. 2023-001431
Charleston County Case No. 2019-CP-10-02894

Roi Tan Enterprises LLC,

Respondent,

v.

Akim Anastopoulo and Anastopoulo Law Firm, LLC

Appellants.

**RESPONDENT'S MOTION FOR AN ORDER TO REQUIRE APPELLANTS TO
SUBMIT A COMPLETE AND PROPER RECORD ON APPEAL AND FOR AN ORDER
TO EXTEND TIME FOR RESPONDENT TO FILE ITS FINAL BRIEF**

/s/ Arthur C. Pelzer

Arthur C. Pelzer

SC Bar No. 71153

arthur@pelzerlawfirm.com

Pelzer Law Firm, LLC

266 Meeting Street

Charleston, South Carolina 29401

(843) 789-4511

Attorney for Respondent

COMES NOW, the Respondent Roi-Tan Enterprises, LLC (hereafter the “Respondent”), by and through the undersigned counsel, and respectfully requests this Court issue an Order requiring Appellants Akim Anastopoulo and Anastopoulo Law Firm, LLC (hereafter the “Appellants”) to fully comply with Rule 210(c) of the South Carolina Appellate Court Rules and for an Order extending the time for Respondent to file its Final Brief as required by Rule 211 SCACR.

The first basis for this Motion is that Appellants failed to comply with Rule 210(c) SCACR by improperly failing to include all matters designated to be included by Respondent in Respondent’s Designation of Matter to be Included in the Record on Appeal. **(Exhibit A: Respondent’s Designation of Matter to be Included in the Record on Appeal)**. Specifically, Appellants failed to include Item No.’s 3, 4, 12, 13, 14, 16, 19, 20, 21, 22, 23, and 24 from Respondent’s Designation of Matter to be Included in the Record on Appeal in the Record on Appeal as required by Rule 210 SCACR.

The second basis for this Motion is that Appellants improperly included the full deposition transcripts and all deposition exhibits from the depositions of Roy T. Willey and of Akim Anastopoulo when only portions of the testimony in the transcripts was presented to the lower court. Pursuant to Rules 209 and 210 SCACR, the Record on Appeal may not include matters not presented to the lower court and which is not relevant to the appeal.

Appellant is required to prepare and serve the Record on Appeal Pursuant to Rule 210 SCACR, and Appellant has failed to do so. As such, the Respondent Roi-Tan Enterprises, LLC, by and through the undersigned counsel, respectfully requests this Court issue an Order requiring Appellants Akim Anastopoulo and Anastopoulo Law Firm, LLC to submit a full and accurate Record on Appeal that includes all matters designated by Respondent to be included and which

does not contain testimony and documents not presented to the lower court and not relevant to this appeal. Furthermore, Respondent requests this Court to issue an Order extending the time for Respondent to file its Final Brief as required by Rule 211 SCACR until Appellants have submitted a proper Record on Appeal and otherwise complied with Rule 210 SCACR.

Respectfully submitted,

/s/ Arthur C. Pelzer

Arthur C. Pelzer

SC Bar No. 71153

arthur@pelzerlawfirm.com

Pelzer Law Firm, LLC

266 Meeting Street

Charleston, South Carolina 29401

(843) 789-4511

Attorney for Respondent

March 20, 2024

RECEIVED

Feb 09 2024

SC Court of Appeals

EXHIBIT A

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Appellate Case No. 2023-001431
Charleston County Case No. 2019-CP-10-02894

Roi Tan Enterprises LLC,

Respondent,

v.

Akim Anastopoulo and Anastopoulo Law Firm, LLC

Appellants.

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

The Respondent Roi-Tan Enterprises, LLC hereby proposes the following to be included in the record on Appeal pursuant to Rule 209, SCACR:

1. Summons & Complaint filed on May 31, 2019;
2. Answer to Amended Complaint & Counterclaims filed on January 30, 2020;
3. Lease Agreement, Article 25.10;
4. Guaranty, Article 20;
5. Motion to Compel filed April 5, 2022;
6. Order Granting Motion to Compel filed October 28, 2022;
7. Motion to Strike Demand for Jury Trial filed December 5, 2022;
8. Motion for Rule to Show Cause filed February 7, 2023;
9. Memorandum of Law in Support of Motion to Strike filed May 25, 2023;

10. Memorandum of Law in Support of Motion to Show Cause filed May 25, 2023;
11. Transcript of Record for Hearing on May 30, 2023;
12. E-mails from Counsel for Appellants dated June 14, 2023;
13. E-mails from Counsel to Lower Court dated June 14, 2023;
14. E-mails from Counsel for Appellants and Respondent dated June 28, 2023;
15. Order dated August 15, 2023;
16. Certificate of Electronic Notification dated August 15, 2023;
17. Motion to Alter or Amend filed on August 28, 2023;
18. Order dated September 11, 2023;
19. Transcript of Rule 30(b)(6) Deposition Testimony of Appellant pages 77-78;
20. Transcript of Deposition Testimony of Akim Anastopoulo pages 22-23;
21. Appellants' Second Responses to Requests for Production of November 13, 2022;
22. Appellants' Second Responses to Interrogatories of November 13, 2022;
23. E-mail from Counsel for Respondent dated January 3, 2023; and
24. E-mail from Counsel for Respondent dated January 13, 2023.

I certify that this designation contains no matter which is irrelevant to this appeal.

February 9, 2024

/s/ Arthur C. Pelzer

Arthur C. Pelzer

SC Bar No. 71153

arthur@pelzerlawfirm.com

Pelzer Law Firm, LLC

266 Meeting Street

Charleston, South Carolina 29401

(843) 789-4511

Attorney for Respondent

RECEIVED

Mar 20 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Appellate Case No. 2023-001431
Charleston County Case No. 2019-CP-10-02894

Roi Tan Enterprises LLC,

Respondent,

v.

Akim Anastopoulo and Anastopoulo Law Firm, LLC

Appellants.

PROOF OF SERVICE

Pursuant to Rule 62(c), SCACR, I certify that I have served Respondent's Motion for an Order to Require Appellants to Submit a Complete and Proper Record on Appeal and for an Order to Extend Time for Respondent to File Its Final Brief by Electronic Mail only on March 20, 2024, addressed to Appellants' attorneys of record: Eric M. Poulin and Lane D. Jefferies at Poulin, Willey, Anastopoulo, LLC, 32 Ann Street, Charleston, South Carolina 29403.

March 20, 2024

/s/ Arthur C. Pelzer

Arthur C. Pelzer, SC Bar No. 71153

arthur@pelzerlawfirm.com

Pelzer Law Firm, LLC

266 Meeting Street

Charleston, South Carolina 29401

(843) 789-4511

Attorney for Respondent

PELZER LAW FIRM, LLC

266 MEETING STREET CHARLESTON, SOUTH CAROLINA 29401

RECEIVED

Mar 20 2024

SC Court of Appeals

March 20, 2024

Sent Via Email Only: ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings
Clerk of Court, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: *Roi-Tan Enterprises v. Anastopoulo, et al.*
Case No. 2023-01431

Dear Clerk Kitchings:

Attached for filing, please find Respondent's Motion for an Order to Require Appellants to Submit a Complete and Proper Record on Appeal and for an Order to Extend Time for Respondent to File Its Final Brief and Proof of Service for the above-referenced case. The \$50.00 filing fee will be mailed to your office.

Please contact my office if you have any questions.

With kindest regards, I remain

Sincerely,



Arthur C. Pelzer

ACP/cm

cc: Eric M. Poulin, Esquire
Poulin, Willey, Anastopoulo, LLC
32 Ann Street
Charleston, South Carolina 29403
eric@akimlawfirm.com
Eric.Poulin@poulinwilley.com

Lane D. Jefferies, Esquire
Poulin, Willey, Anastopoulo, LLC
32 Ann Street
Charleston, South Carolina 29403
teamjefferies@poulinwilley.com