

PELZER LAW FIRM, LLC

266 MEETING STREET CHARLESTON, SOUTH CAROLINA 29401

May 9, 2024

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

RECEIVED

May 09 2024

SC Court of Appeals

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

Dear Ms. Kitchings:

I represent the Respondent Roi-Tan Enterprises, LLC in the above-referenced appeal. I am writing to respond to the letter dated May 9, 2024, from Lane Jeffries, counsel for Respondent to the Court in order to provide a full perspective to certain representations made in his letter.

Appellant filed its initial Record on Appeal on May 30, 2024. Respondent filed its Motion on March 20, 2024, requesting the Court to require Appellant to fully comply with Rule 210(c) of the South Carolina Appellate Court Rules by (1) include all matters designated to be included by Respondent in Respondent's Designation of Matter to be Included in the Record on Appeal, and (2) to remove deposition transcripts improperly included in the Record on Appeal by Appellant.

While counsel for Appellant did e-mail counsel for Respondent on March 22, 2024, requesting the production of certain e-mails and discovery responses from Respondent, counsel for Appellant never contacted the Court of Appeals to advise it would voluntarily correct the errors in its initial Record on Appeal thus rendering the Motion moot. As such, counsel for Respondent was waiting on a ruling from the Court of appeals before taking any additional action on the Record on Appeal.

The Court of Appeal issued its letter addressing Respondent's Motion on April 29, 2024, advising Appellant to file the Record on Appeal within ten (10) days. At no point between April 29, 2024, and May 9, 2024, did counsel for Appellant make a simple phone call or send an e-mail to counsel for Respondent to request the e-mails and discovery responses identified in his prior e-mail. While these e-mails and discovery responses are already in the possession of counsel for Appellant (or should be) and were clearly identified by Respondent in Respondent's Record on Appeal, counsel for Respondent would certainly have provided PDF versions thereof if he had been contacted by counsel following the April 29th letter from the Court of Appeals.

We will gladly do so now, and we will be sending the following documents to counsel for Appellant in PDF format to ensure they are included in the Record on Appeal via separate communication:

- E-mails from Counsel for Appellants dated June 14, 2023;
- E-mails from Counsel to Lower Court dated June 14, 2023;
- E-mails from Counsel for Appellants and Respondents dated June 28, 2023; and

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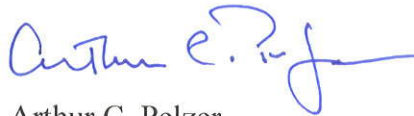
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- Appellants' Second Responses to Respondent's Requests for Production, including document production Bates Stamped Supp. Prod. 1 through 621.

Please let me know if you have any questions or require any additional information from me on this matter.

With kindest regards, I remain

Sincerely,



Arthur C. Pelzer

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