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Jun 27 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

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

Appellate Case Nos. 2023-001494 & 2024-000723

Charleston SC Property Holdings, LLC, Hanahan SC Property Holdings, LLC,.....Respondents,
v.
Rittenberg OP, LLC, Hanahan OP, LLC, Goldner Management, LLC, SC Two
OP Holdings, LLC, and Samuel Goldner.....Appellants.

MOTION TO CONSOLIDATE RECORDS ON APPEAL

As the Court is aware, due to the granting of Respondents' partial Motion to Dismiss Appellate Case No. 2023-001494 to allow Judge McFaddin to rule on a still pending Motion for Reconsideration, what was originally one appeal seeking review of multiple receivership orders arising out of hearings on April 11, 2023 and August 23, 2023 under Appellate Case No. 2023-001494, has now been divided into two appeals. Despite the fact that the review of Judge McFaddin's Orders and Judge Young's Orders concerning the receivership have now been separated into two appeals, respectively Appellate Case Nos. 2024-000723 and 2023-001494, this does not change the fact that the record in each of these appeals will be almost identical such that the creation of separate Records on Appeal for each appeal will be largely duplicative,

leading to substantial and unnecessary waste and cost.¹ Specifically, and by way of example and not limitation, each Record would contain copies of the parties' pleadings, motions and exhibits thereto that are relevant to the receivership, which taking into account only Respondents' Complaint and Motion for Appointment of Receiver and Appellants' Motion to Dismiss, or in the alternative to Stay, and Compel Arbitration will result in the unnecessary duplication of over Six Hundred (600) pages. Accordingly, to avoid the unnecessary duplication of materials and printing costs and in the interest of producing and providing this Court with a unified Record on Appeal that will promote the just, speedy, efficient, and inexpensive resolution of these appeals, Appellants move for the Court to approve the creation of a consolidated Record on Appeal for use in both Appellate Case Nos. 2024-000723 and 2023-001494.

Respectfully submitted,

BRUMBACK & LANGLEY, LLC

s/Christopher T. Brumback

Christopher T. Brumback / S.C. Bar No. 75410

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¹ Review of the materials presented to the lower court that will likely be designated by either Appellants or Respondents for inclusion in the Records suggests that the main difference between the two Records would be the inclusion of the transcript of the April 11, 2023 hearing held before Judge McFaddin (24 pages) in the Record for Case No. 2024-000723 and the inclusion of the transcript of the August 23, 2023 hearing held before Judge Young (16 pages) along with the parties' filings in connection with said motion hearing and Judge Young's resultant Orders in the Record for Case No. 2023-001494.

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PROOF OF SERVICE

I certify that I have filed with the Court of Appeals and served Appellants' Motion to Consolidate Records on Appeal on counsel for Respondents and the Receiver by email on June 27, 2024.

Respectfully submitted,

BRUMBACK & LANGLEY, LLC

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GENERAL & COMPLEX LITIGATION

BUSINESS & CORPORATE LAW

APPELLATE PRACTICE

CRIMINAL DEFENSE

PERSONAL INJURY

June 27, 2024

VIA ELECTRONIC MAIL — ctappfilings@sccourts.org

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

Re: *Charleston SC Property Holdings, LLC et al. v. Rittenberg OP, LLC et al. — Prior Request of Relevant Transcript and Motion to Consolidate Records on Appeal*
Appellate Case No. 2023-001494 & 2024-000723

Dear Ms. Kitchings:

In preparing the attached Motion to Consolidate Records on Appeal in Appellate Case Nos. 2023-001494 and 2024-000723, it came to my attention that despite the communications between undersigned counsel and the Court regarding the ordering of transcripts in October of 2023 and Appellants' March 20, 2024 Motion to Reinstate and the Court's June 7, 2024 Order granting reinstatement in Case No. 2023-001494, there may still be some miscommunication concerning when transcripts were ordered and received for the relevant hearings in the lower court for the above-referenced appeals, and specifically Case No. 2024-000723.

As pointed out in the attached Motion to Consolidate Records on Appeal, the two above-referenced appeals used to be a single appeal (No. 2023-001494) seeking review of multiple receivership Orders issued by Judges McFaddin and Young in connection with motion hearings that were respectively held before the lower court on April 11, 2023 and August 23, 2023. As such, prior to the filing and granting of Respondents' partial Motion to Dismiss Appeal No. 2023-001494, which resulted in the appeal of Judge McFaddin's Orders from the April 11, 2023 hearing now being the subject of Appellate Case No. 2024-000723, **both** transcripts for the hearings that were held before Judge McFaddin on April 11, 2023 **and** before Judge Young on August 23, 2023 were ordered, with leave of the Court, on October 9, 2023, with the SCCA 800 Transcript Request Forms submitted to Ms. Tammie Holmes, Court Reporter Manager, via email the following day, October 10, 2023. A filed and stamped copy of undersigned counsel's October 9, 2023 letter confirming ordering of **both** the April 11, 2023 and August 23, 2023 transcripts and a pdf of the email submitting the SCCA 800, which was cc'd to both transcripts@sccourts.org, ctappfilings@sccourts.org, and counsel for Respondents, is attached hereto for the Court's

The Honorable Jenny Abbott Kitchings

June 27, 2024

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convenience. Furthermore, as stated in Appellants' March 20, 2024 Motion to Reinstate Appellate Case No. 2023-001494, "subsequent to the submission of the Transcript Request Form on October 10, 2023, the WebEx transcripts were received on October 18, 2023." Accordingly, having already ordered and received the transcript of the April 11, 2023 hearing relevant to Appellate Case No. 2024-000723, undersigned counsel, pursuant to Rule 208(a)(1), SCACR, filed and served Appellants' Initial Brief within thirty (30) days of serving the notice of appeal. My sincere apologies for the confusion and miscommunication that has resulted from the severance of these two interrelated appeals. It is my hope that by way of the attached Motion to Consolidate Records on Appeal that at least a bit of duplication and redundancy can be removed from these appeals.

A check for the Fifty Dollar (\$50.00) filing fee associated with the attached Motion to Consolidate Records on Appeal will be transmitted to the Court with a hardcopy of this letter.

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)