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**Nov 12 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Dale E. Van Slambrook, S.C. Circuit Court Judge #2781

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Appellate Case No. 2024-001734

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Olga Teslenko, Appellant,

v.

Joe Kocsis,  
Carpet King & Flooring, Respondents.

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**MOTION TO REQUEST THE RELEASE AND TRANSFER OF THE ORIGINAL  
EXHIBITS FILED WITH THE TRIAL COURT ON 7.22.2024 IN A LETTER  
SUBMITTING EXHIBITS OMITTED IN LOWER COURT'S RETURN**

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Pursuant to S.C. Code Section 18-7-130, which requires that an appeal case be heard by the appellate court based on all the essential exhibits in the case; and in compliance with Rule 210(c), SCACR, which requires that the record on appeal include only those exhibits which were presented to the lower court; as well as, lastly, in order to comply with Rule 10(c), SCRCR, which requires that copies of exhibits be attached to the brief in order to be adopted into the record on appeal, appellant Olga Teslenko ("Appellant") files this Motion to Request the Release and Transfer of the Original Exhibits Filed with Horry County court on 7.22.2024 in a Letter Submitting Exhibits Omitted in Lower Court's Return.

Appellant wishes to designate the original exhibits because: (1) they are essential to proving Appellant's case; (2) they were filed timely with the lower court; and (3) they fall into one of the two categories identified by this Honorable Court as the categories for which the scanned copies are unacceptable in the record on appeal. The package of the exhibits Appellant filed with Horry County court on 7.22.2024 in a letter submitting exhibits omitted in lower court's return, contained over 80 pages of printed documents and a flashdrive with photo and video evidence. Unfortunately, nearly all of the printed documents were scanned by Horry County court such that they became illegible. Please see the enclosed examples for illustration. In accordance with the explanation given by this Court, as well as the fundamental principles of law, copies are unacceptable if they are illegible. Yet these exhibits are essential to proving Appellant's case, and they were timely filed with the lower court. It therefore follows that the original, legible, exhibits should be included in the record on appeal instead of the scanned illegible copies. Additionally, one of the exhibits was a flashdrive containing essential evidence. Please see the enclosed copy of the filed flashdrive. Since that flashdrive is not a paper exhibit, and since the contents of that flashdrive are essential to proving Appellant's case, and since that flashdrive was timely filed with the lower court, the original of that flashdrive should be included in the record on appeal.

For these reasons, and in accordance with the explanation given by this Court, Appellant respectfully moves to request the issuance of an order directing the release and transfer of the entire package of the original exhibits filed with Horry County court on 7.22.2024 in a letter submitting exhibits omitted in lower court's return, to be included in the Record on Appeal in the above case.

Appellant confirms and certifies that this motion complies with Rule 75, SCRCR, which stipulates that appeals shall be made upon the original record in the lower court.

This motion will not prejudice the rights of the Respondents.

This motion is in compliance with Rule 240, SCACR.

Dated: November 11, 2024

s/ Olga Teslenko  
Olga Teslenko  
100 Fountain Pointe Ln, Unit 103,  
Myrtle Beach, South Carolina 29579  
Telephone: (510) 388-2780  
Email: osenochen@gmail.com  
Appellant

Enclosed:

1. Proof of Service on Respondent;
2. Certificate of Filing Fee Payment;
3. Flashdrive filed within Letter Submitting Exhibits;
4. Original - Picture 1; Scanned - Picture 1;
5. Original - Picture 5; Scanned - Picture 5;
6. Original - Picture 16; Scanned - Picture 16;
7. Original - Picture 22; Scanned - Picture 22;
8. Original - Picture 34; Scanned - Picture 34;
9. Original - Picture 38; Scanned - Picture 38;
10. Original - Picture 42; Scanned - Picture 42;
11. Original - Picture 44; Scanned - Picture 44;
12. Original - Shaw 200 Adhesive, pg. 1; Scanned - Shaw 200 Adhesive, pg. 1;
13. Original - Shaw Installation, pg. 1; Scanned - Shaw Installation, pg. 1.

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Olga Teslenko  
APPELLANT

VS.

Carpet King & Flooring, Joe Kocsis  
RESPONDENTS

2024CP2602983  
COMMON PLEAS CASE NUMBER

2023CV261093695  
MAGISTRATE CIVIL CASE NUMBER

IN THE COURT OF COMMON PLEAS

LETTER TO THE  
CLERK OF COURT

July 22, 2024

Mme. Rene N. Elvis,  
Horry County Clerk of Court  
P.O. Box 677  
1301 2nd Avenue  
Conway, South Carolina 29526

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HORRY COUNTY  
2024 JUL 22 P 2 15  
RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY SC

RE: Olga Teslenko, Appellant, VS. Carpet King & Flooring, Joe Kocsis,  
Respondent,

Dear Madame Clerk of Court,

I would like the Judge in my case to review the evidence which I submitted to the Magistrate, Honorable Judge Christopher Arakas, at my court hearing in the Magistrate Court, and which has been omitted in the return documents, returned by the Magistrate. Without this evidence, the matter of my appeal cannot be ascertained, and therefore a risk of miscarriage of justice exists. This evidence is included in a flash drive and printed documents the same way I submitted it to the Magistrate court originally. I would like to propose to include this evidence in the Record of Appeal as the evidence omitted in the Magistrate Return.

Sincerely,



Olga Teslenko, Appelant,  
100 Fountain Pointe Ln, Unit 103,  
Myrtle Beach, SC, 28578

July 22, 2024

Enclosed:

Flash drive

Olga Teslenko's Magistrate Court statement and supporting documents

**Picture 1: Porous and cracked subfloor absorbed glue**



Picture 1: Porous and cracked subfloor absorbed glue

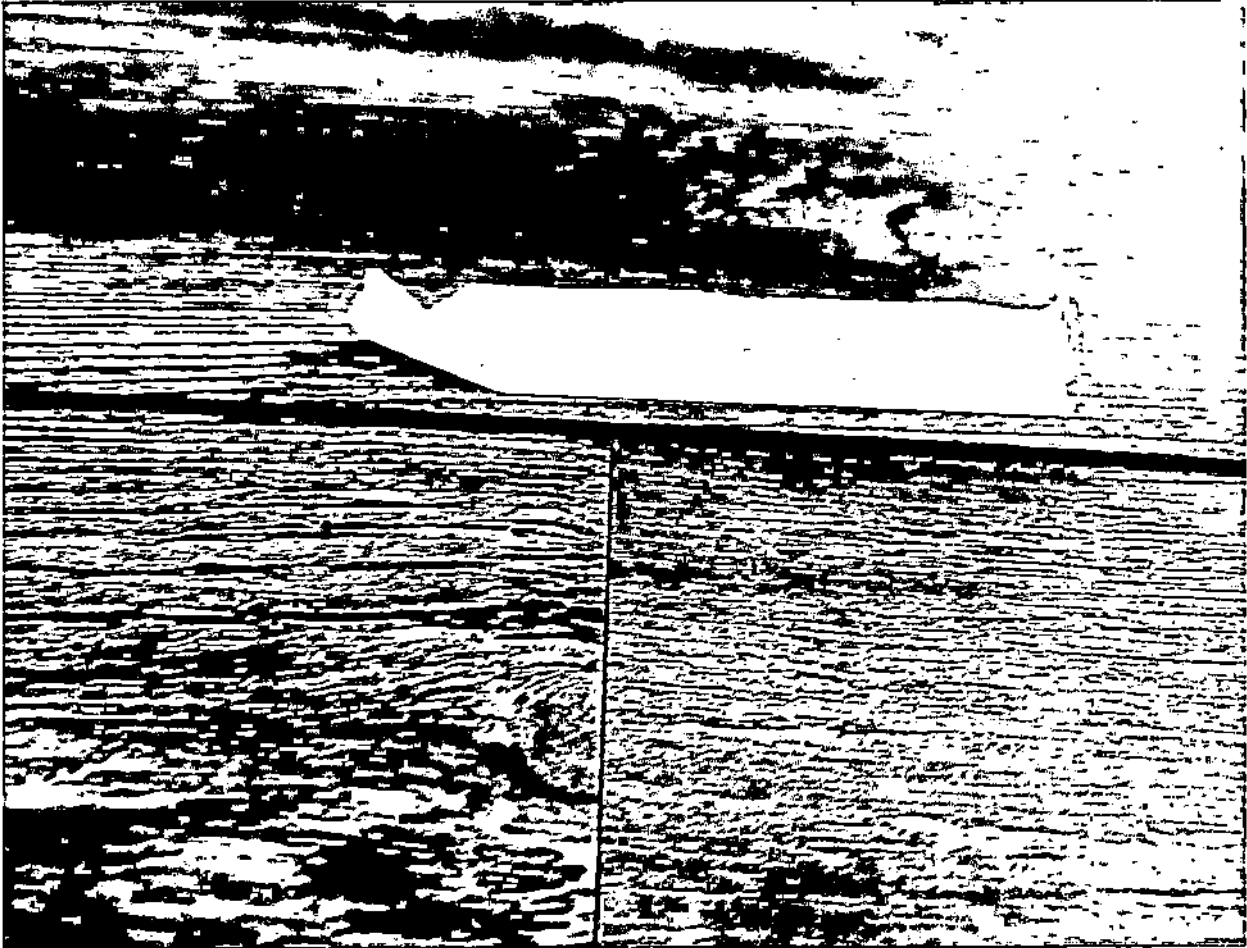


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2024 JUL 22 PM 2 17  
RENEE N. ELVIS  
CLERK OF COURT  
HERRY COUNTY, TN, US

**Picture 5:** Lifting and peeling planks

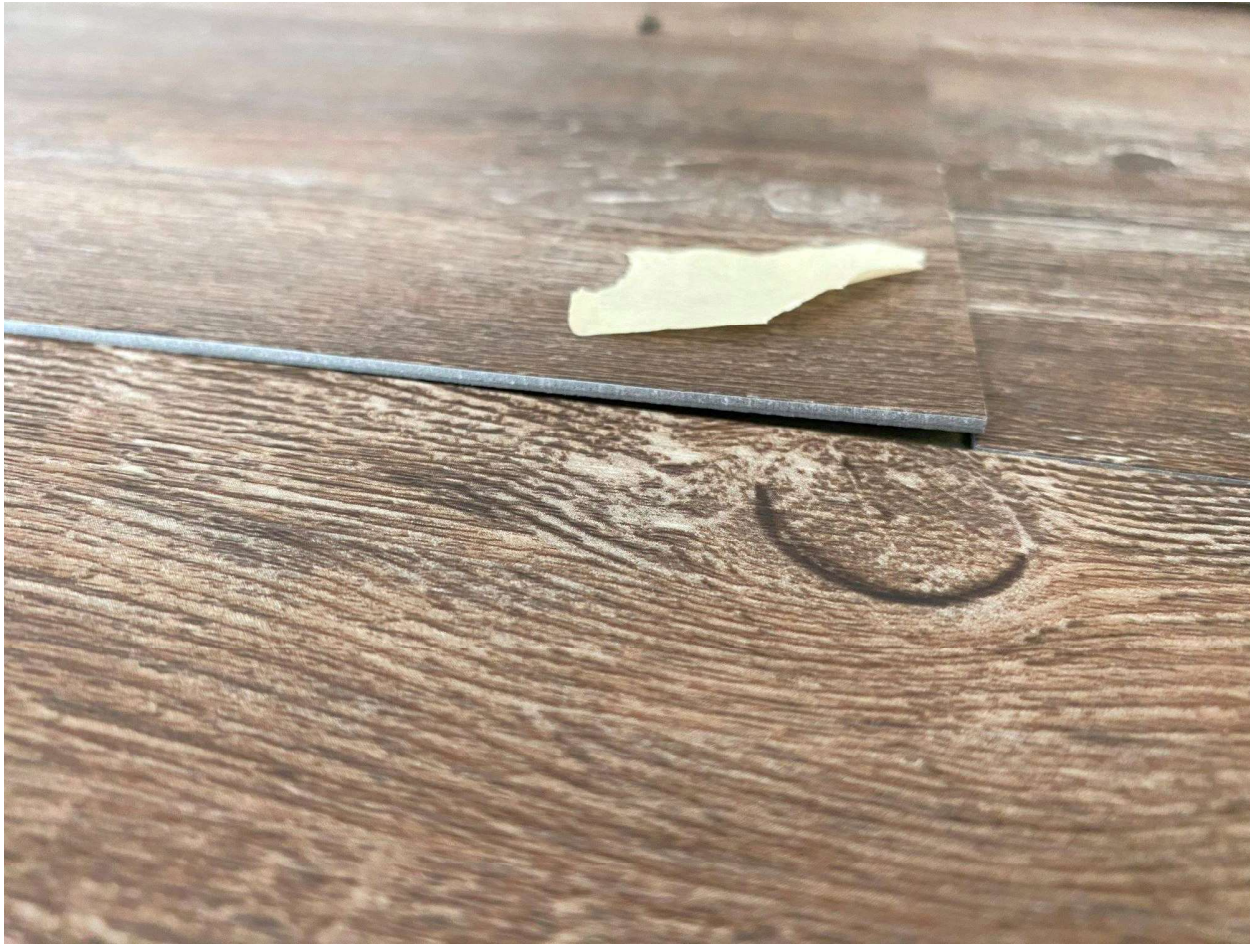


Picture 5: Lifting and peeling planks



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HORRY COUNTY, SC

**Picture 16:** Continuously lifting throughout, severe tripping hazard



Picture 16: Continuously lifting throughout, severe tripping hazard



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HORRY COUNTY, SC

Picture 22: Insufficient glue transfer to back of planks



Picture 22: Insufficient glue transfer to back of planks



**Picture 34:** Substrate not smooth, free of old paint and old adhesive. Products not rolled with a roller to create transfer.



Picture 34: Substrate not smooth, free of old paint and old adhesive. Products not rolled with a roller to create transfer.



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HARRIS COUNTY, SC

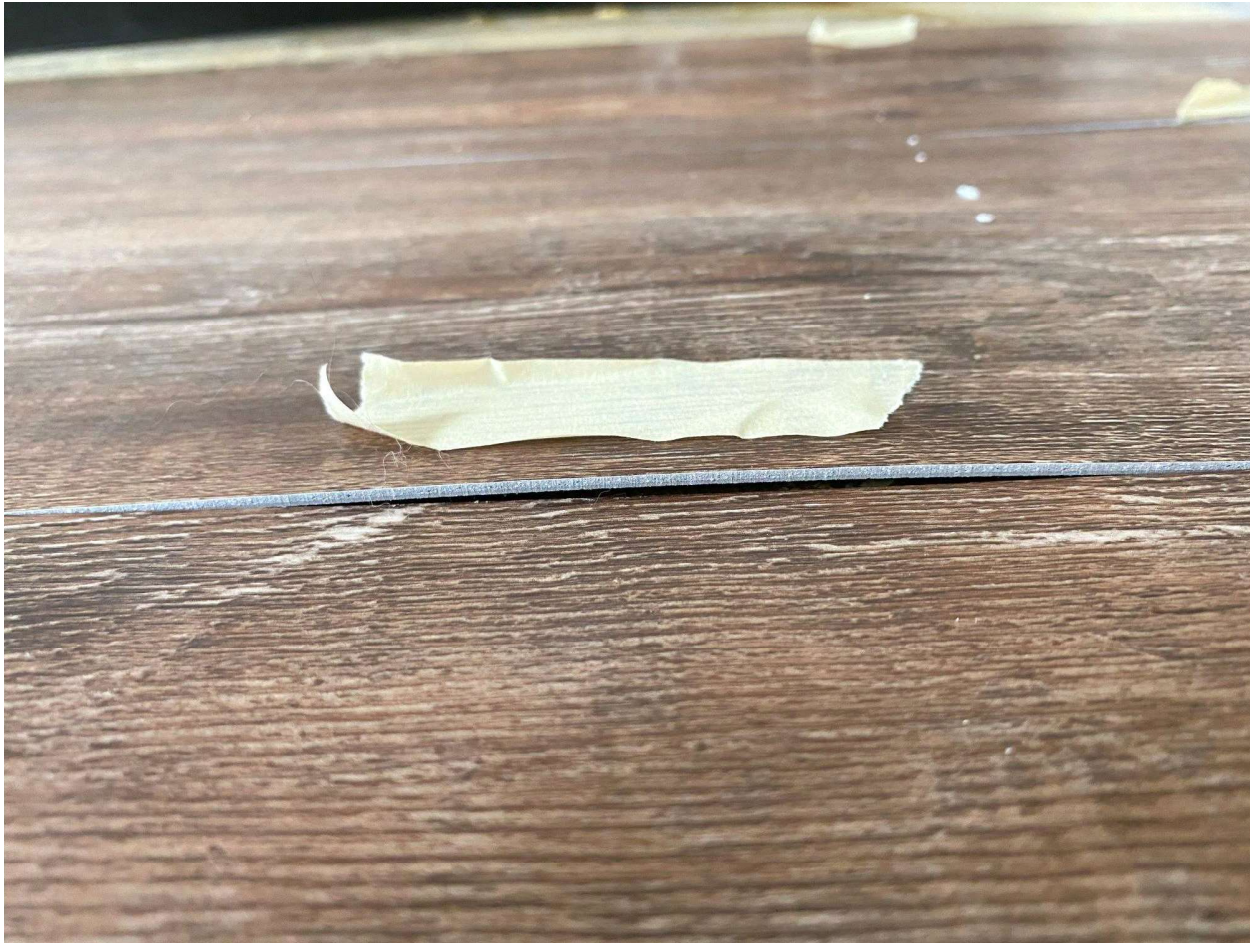
**Picture 38:** Sub-floor cracks, holes, and deviations not appropriately prepped. Porous substrate absorbed glue



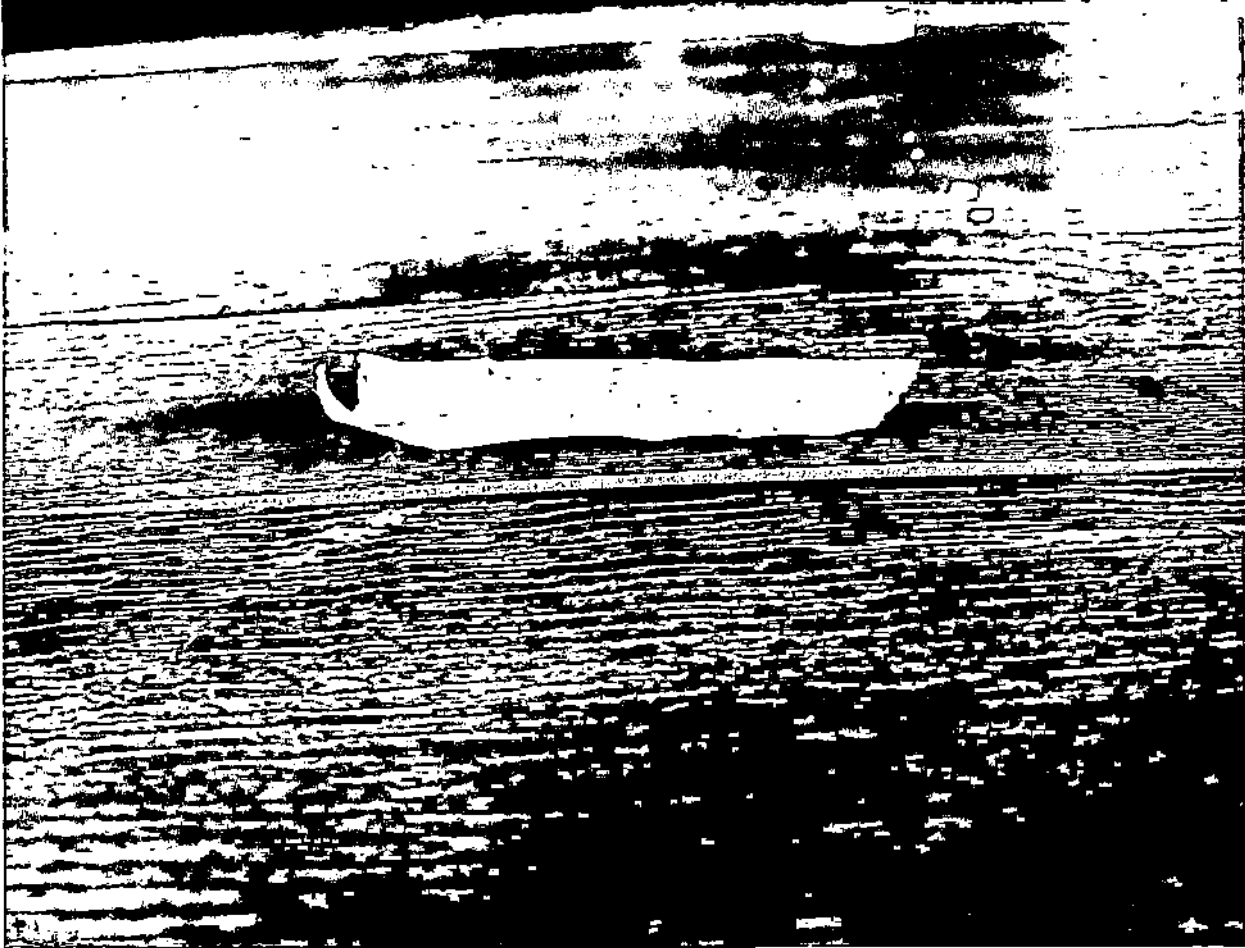
Picture 38: Sub-floor cracks, holes, and deviations not appropriately prepped. Porous substrate absorbed glue



**Picture 42:** Failure to comply to the installation guidelines as required by the manufacturer



Picture 42: Failure to comply to the installation guidelines as required by the manufacturer



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HORRY COUNTY, SC

**Picture 44:** Failure to comply to the installation guidelines as required by the manufacturer



Picture 44: Failure to comply to the installation guidelines as required by the manufacturer



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CLERK OF COURT  
HORRY COUNTY, SC

## SHAW 200 RESILIENT ADHESIVE

### DESCRIPTION

Shaw 200 is a resin based, cross-linking transitional pressure adhesive for installing resilient flooring products over porous and non-porous substrates. After installation, the Shaw 200 adhesive will transition from an initial pressure sensitive bond to a permanent hard set bond.

### APPROVED SUBSTRATES

- For interior use only.
- Wood Association approved wood underlayment and subflooring. See Resilient Wood Substrate Information
- Sound and properly prepared concrete (on, above or below grade), metal, wood fiberglass and terrazzo.
- Existing resilient products should be over 1 year old, secure and fully adhered with a full spread of adhesive. Remove all waxes and polishes from the existing floor before installation.

### SUBSTRATE TESTING

- RH 99% (ASTM F2170). (absent of hydrostatic pressure)
- MVER must be at or below 12 lbs (ASTM F1869)
- pH must not exceed 12 (ASTM F710)

For older slabs that have a prior history of moisture related issues, Shaw Technical Support recommends moisture mitigation in the form of a 2-part epoxy system, such as MoistureTEK.

### SURFACE PREPARATION

- Substrate must be structurally sound, clean, level and dry.
- Substrate must be free of dust, dirt, oil, grease, paint, curing agents, concrete sealers, loosely bonded toppings, loose particles and any other substance or condition that may prevent or reduce adhesion.
- Fill depressions or cracks with a cementitious patching/leveling compound that meet or exceed Shaw Industries maximum moisture level and pH requirements. Use of gypsum-based patching and/or leveling compounds which contain Portland or high alumina cement and meet or exceed the compressive strength of 3,000 psi are acceptable.

# SHAW 200 RESILIENT ADHESIVE

## DESCRIPTION

Shaw 200 is a resin based, cross-linking transitional pressure adhesive for installing ~~resilient flooring products~~ over porous and non-porous substrates. After installation, the Shaw 200 adhesive will transition from an initial pressure sensitive bond to a permanent hard set bond.

## APPROVED SUBSTRATES

- For interior use only.
- Wood Association approved wood underlayment and subflooring. See Resilient Wood Substrate Information
- ~~Concrete, stone, terrazzo, etc.~~ (on, above or below grade), metal, wood fiberglass and terrazzo.
- Existing resilient products should be over 1 year old, secure and fully adhered with a full spread of adhesive. Remove all waxes and polishes from the existing floor before installation.

## SUBSTRATE TESTING

- RH 99% (ASTM F2170). (absent of hydrostatic pressure)
- MVER must be at or below 12 lbs (ASTM F1869)
- pH must not exceed 12 (ASTM F710)

For older slabs that have a prior history of moisture related issues, Shaw Technical Support recommends moisture mitigation in the form of a 2-part epoxy system, such as MoistureTEK.

## SURFACE PREPARATION

- ~~Substrate must be structurally sound, clean, level~~ and dry.
- ~~Substrate must be free of dust, dirt, oil, wax, etc.~~ curing agents, concrete sealers, loosely bonded toppings, ~~loose joints~~ and any other substance or condition that may prevent or reduce adhesion.
- ~~Fill deep cracks or voids with a cementitious patch leveling compound~~ that meet or exceed Shaw Industries maximum moisture level and pH requirements. Use of gypsum-based patching and/or leveling compounds which contain Portland or high alumina cement and meet or exceed the compressive strength of 3,000 psi are acceptable.

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 HORRY COUNTY  
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 CLERK OF COURT  
 HORRY COUNTY, SC

# INSTALLATION GUIDELINES FOR RESIDENTIAL RESILIENT DIRECT GLUE

## 1. TEST BEFORE STARTING INSTALLATION

**Note: All substrates to receive moisture sensitive floor covering must be tested for moisture.**

### CONCRETE SUBSTRATES

All concrete substrates should be tested for IRH (Internal Relative Humidity) according to ASTM F 2170.

Calcium Chloride tests may be conducted in addition to IRH and must be performed per the latest edition of ASTM F 1869.

**NEW AND EXISTING CONCRETE SUBFLOORS SHOULD MEET THE GUIDELINES OF THE LATEST EDITION OF ACI 302 AND ASTM F 710, "STANDARD PRACTICE FOR PREPARING CONCRETE FLOORS TO RECEIVE RESILIENT FLOORING" AVAILABLE FROM THE AMERICAN SOCIETY FOR TESTING AND MATERIALS, 100 BARR HARBOR DRIVE, WEST CONSHOHOCKEN, PA 19428; 610-832-9585; [HTTP://WWW.ASTM.ORG](http://www.astm.org).**

- Substrates shall be smooth, structurally sound, permanently dry, clean and free of all foreign material such as dust, wax, solvents, paint, grease, oils, old adhesive residue, curing and hardening/ curing compounds, sealers and other foreign material that might prevent adhesive bond.
- If the adhesive residue is asphalt-based (cut-back), or any other type of adhesive is present, it must be removed by industry accepted methods such as mechanical removal or wet scraping.
- If a chemical abatement has been performed, use Shaw Surface Prep EXT to remove any residual chemicals present. Once Shaw Surface Prep EXT has been properly cleaned and removed, apply one coat of Shaw MRP for additional protection.

Adhesive removal through the use of solvents or citrus adhesive removers is not recommended. Solvent residue left in or on the subfloor may affect the new adhesive and floor covering.

**WARNING! DO NOT SAND, DRY SWEEP, DRY SCRAPE, DRILL, SAW, BEAD BLAST OR MECHANICALLY CHIP OR PULVERISE EXISTING RESILIENT FLOORING, BACKING, LINING FELT, ASPHALTIC " CUT BACK" ADHESIVES OR OTHER ADHESIVES.**

These products may contain either asbestos fibers and/or crystalline silica. Avoid creating dust. Inhalation of such dust is a cancer and respiratory tract hazard. Smoking by individuals exposed to asbestos fibers greatly increases the risk of serious bodily harm. Unless positively certain that the product is a non-asbestos-containing material, you must presume it contains asbestos. Regulations may require that the material be tested to determine asbestos content and may govern the removal and disposal of material. See current edition of the Resilient Floor Covering Institute (RFCI) publication Recommended Work Practices for Removal of Resilient Floor Coverings for detailed information and instructions on removing all resilient covering structures. For current information go to [www.rfci.com](http://www.rfci.com).

- Concrete floors shall be flat and smooth within 1/8" in 6 feet or 3/16" in 10 feet.
- F-Number System: Overall values of FF 36/ FL 20 may be appropriate for resilient floor coverings.
- Moisture Vapor Emission Rate (MVER) – Conduct either in-situ RH test (ASTM F-2170) or CaCl MVER test method (ASTM F1869) Refer to the adhesive information for the acceptable moisture limits.
- Use cementitious patching and leveling compounds that meet or exceed Shaw's maximum moisture level and pH requirements. Use of gypsum-based patching and/or leveling compounds which contain Portland or high alumina cement and meet or exceed the compressive strength of 3,000 psi are acceptable.
- Perform Bond testing to determine compatibility of adhesive to the substrate. Shaw 9050 primer can be utilized to promote adhesion.
- Porosity – water drop test will help determine porosity – if drop remains on the surface after 1-2 mins concrete should be considered non-porous.
- Working and open times of adhesives may vary based on job conditions, substrate, temperature, and humidity.
- Areas to receive flooring should be adequately lighted during all phases of the installation process.
- It is recommended that resilient floor covering installation shall not begin until all other trades have completed.

### TEMPERATURE - AMBIENT

Controlled environments are critical. Fully functional HVAC systems are the best way to ensure temperature and humidity control.

- **DO NOT** install resilient flooring products until the work area can be temperature controlled.
- The permanent HVAC system turned on and set to a minimum of 65°F (18.3°C) or a maximum of 85°F, for a minimum of 7 days prior to, during, and after installation. Once the installation is complete the temperature should not exceed 85°F (29.4°C).

### PH

Concrete floors must be tested per the latest edition of ASTM F 710.

- PH reading must not exceed 10.0.



**PROOF OF SERVICE OF THE MOTION TO REQUEST THE RELEASE AND  
TRANSFER OF THE ORIGINALS**

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Carpet King & Flooring, Respondents.

**PROOF OF SERVICE OF THE MOTION TO REQUEST THE RELEASE AND TRANSFER  
OF THE ORIGINALS**

I certify that I have served my Motion to Request the Release and Transfer of the Originals, which I filed on November 11, 2024, on the respondent Joe Kocsis, who represented himself as the owner of Carpet King & Flooring, by depositing a copy of it in the United States Mail, postage prepaid, on October 29, 2024, addressed to his store address, Joe Kocsis, Carpet King & Flooring, 532 Broadway Street, Myrtle Beach, SC 29577.

Dated: November 11, 2024

s/ Olga Teslenko  
Olga Teslenko  
100 Fountain Pointe Ln, Unit 103,  
Myrtle Beach, South Carolina 29579  
Telephone: (510) 388-2780  
Email: osenochen@gmail.com  
Appellant

**CERTIFICATE OF PAYMENT OF THE FILING FEE**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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**RECEIVED**

**Nov 12 2024**

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Appellate Case No. 2024-001734

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Olga Teslenko, Appellant,

v.

Joe Kocsis,  
Carpet King & Flooring, Respondents.

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**PROOF OF PAYMENT OF THE FILING FEE**

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I certify that I have mailed a check for \$25 for the filing fee for my Motion to Request the Release and Transfer of the Originals, by depositing it in the United States Mail, postage prepaid, on November 11, 2024, addressed to the South Carolina Court of Appeals, P.O. Box 11629, Columbia, SC 29211.

Dated: November 11, 2024

s/ Olga Teslenko \_\_\_\_\_  
Olga Teslenko  
100 Fountain Pointe Ln, Unit 103,  
Myrtle Beach, South Carolina 29579  
Telephone: (510) 388-2780  
Email: osenochen@gmail.com  
Appellant