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Aug 28 2025

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Dale Van Slambrook, Circuit Court Judge

Appellate Case No. 2024-001734

Olga Teslenko, Appellant,

v.

Joe Kocsis and Carpet King & Flooring,
Respondents.

APPELLANT'S MOTION UNDER RULE 240, SCACR, TO COMPEL TRANSMISSION OF ORIGINAL
EXHIBITS

Appellant, appearing pro se, respectfully moves this Court pursuant to Rule 240, SCACR, for an order compelling transmission of the original exhibits filed in the trial court.

GROUND FOR RELIEF.

1. At trial in magistrate court, Appellant introduced a package of exhibits, including paper exhibits and a flashdrive containing video evidence. These exhibits were reviewed, authenticated, and admitted into evidence without objection.
2. Upon appeal to the circuit court, the magistrate's return omitted these exhibits. On July 22, 2024, pursuant to the county clerk's instruction, Appellant submitted a corrective package of identical copies of the omitted exhibits, both paper and flashdrive. See Exhibit B – Letter Submitting Exhibits Omitted in Lower Court's Return (July 22, 2024).
3. At the circuit court hearing, Appellant confirmed under oath that the exhibits she re-filed on July 22, 2024 were identical to those admitted at trial. There were no objections. See Exhibit A – Transcript of Circuit Court Hearing (Aug. 21, 2024), title page and pp. 5–10 (highlighted).

4. The circuit court scanned the paper exhibits in a manner that rendered them illegible and excluded the flashdrive entirely.
5. Rule 240, SCACR, requires that this Court be provided with all matters material to the appeal. The original exhibits are essential; their omission completely denies meaningful appellate review.

RELIEF REQUESTED.

For the foregoing reasons, Appellant respectfully requests that this Court grant this Rule 240 motion and:

- A. Order the Clerk of Court for Horry County to transmit the original paper exhibits and the original flashdrive filed July 22, 2024; or, in the alternative,
- B. Permit Appellant to substitute her copies, including the flashdrive, to be received into the record as of July 22, 2024; and
- C. Grant such other and further relief as may be just and proper to ensure that this appeal is decided on a complete and accurate record.

Respectfully submitted,

Dated: August 28, 2025

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

Enclosures:

Exhibit A – Transcript of Circuit Court Hearing (excerpt, Aug. 21, 2024, pp. 5–10).

Exhibit B – Letter Submitting Exhibits Omitted in Lower Court’s Return (July 22, 2024).

Exhibit A

Circuit Court Hearing Transcript
(excerpt, August 21, 2024, pp. 5–10)

1 STATE OF SOUTH CAROLINA) IN THE SOUTH CAROLINA CIRCUIT COURT 15
2 COUNTY OF HORRY) COURT C.A NO. 2024-CP-26-02983

3
4 Ogla Teslenko,)
5 Plaintiff,)
6 Versus)
7 Carpet King & Flooring, Joe Kocsis)
8 Defendant.)

9
10 H E A R I N G

11
12 DATE: August 21, 2024

13
14 LOCATION: South Carolina Circuit Court 15

15
16 JUDGE: Dale Van Slambrook

17
18 TRANSCRIBED BY: ERIN REILLY

19
20 LEGAL EAGLE
21 Post Office Box 5682
22 Greenville, South Carolina 29606
23 864-467-1373
24 depos@legaleagleinc.com

25

1 THE CLERK: The return is the first two pages and
2 then the rest is documents.

3 THE COURT: All right. And are you saying that
4 that's under the caption where it says appeal/appeal return
5 received?

6 THE CLERK: Yes, sir.

7 THE COURT: And is it the first or second document
8 identified?

9 THE CLERK: I believe it's the first.

10 THE COURT: Okay. Well, I'm trying to get this thing
11 pulled up, Ms. Teslenko?

12 MS. TESLENKO: Yes, judge.

13 THE COURT: Tell me what you're asking for. What are
14 you appealing and why should I -- and what relief are you
15 asking for and why should I grant it?

16 MS. TESLENKO: Sir, I'm appealing the judgment by the
17 magistrate's judge that ruled in my favor and I claimed a
18 complete material breach of contract. So, the judge ruled in
19 my favor but somehow discounted the amount of money that was
20 supposed to be return -- recovered to me from the Defendant by
21 \$1,825 without any explanation. I actually felt unsafe when I
22 received that judgment because at the magistrate court hearing,
23 I have provided a flash drive that contained all of the
24 documents that support my claim as well as an immense amount of
25 video and photo evidence that this is indeed a complete

1 material breach of contract. The flooring for which I paid Mr.
2 Kocsis \$3,395 was not even pretended to be installed. The
3 flash drive also contained the independent inspection report by
4 National Foundation certified inspector, independent inspector
5 recommended by the manufacturer.

6 THE COURT: Were all of those documents submitted to
7 the magistrate?

8 MS. TESLENKO: Yes, not only did they submit the
9 flash drive at the hearing.

10 THE COURT: Okay.

11 MS. TESLENKO: But I also printed out some distinct
12 or distinctly critical documents were also printed out and
13 submitted in a printed package. The printed package also
14 contained my Plaintiff's statement. Your Honor, one side note
15 that I must add is this is the very first time in my entire
16 life that I have to interact with the judicial system. I
17 understand the importance of having -- a functioning judicial
18 system in society.

19 A society can't function without a set of laws and a way
20 to abide by them, to enforce these laws are abided by. But my
21 own personal tendencies and also, you know, the culture of
22 where I come from, they kind of kept me away from any
23 interaction with courts. In other words, I don't even know how
24 courts interact.

25 It was my hope that in the United States courts work

1 properly and at this point. So, I didn't know that I was
2 supposed to maybe file my evidence prior to appearing in the
3 magistrates court hearing. So, when I came to the magistrates
4 court hearing, I had a flash drive which I submitted to the
5 Judge. I had a packet of printed documents, which I have also
6 submitted to the Judge.

7 And also, I had several physical of vinyl planks that
8 contained the trial marks and other evidence which were
9 physical proof of what the inspector has found and put in his
10 inspection report of the physical proof of the contractor Mr.
11 Joe Kocsis having violated all the essential requirements for
12 the installation of this product and adhesive requirements for
13 the adhesive that he used. So, that was submitted to the
14 Court. And at the court hearing, I was able to read through my
15 statement entirely.

16 And in my statement, it's explicitly stated that I am
17 aware of the South Carolina law that provides the contractor
18 with the right to cure a defect, but that this situation is not
19 a construction defect. This situation is a complete material
20 breach of contract. And at the end of my statement, I asked
21 the Court to review the evidence and order that the full amount
22 of the contract be returned or recovered to me as well as the
23 inspection fee, which was \$430.

24 So, the total amount of money that I specifically
25 asked for to be recovered to me was \$3,825. The Magistrate's

1 court somehow ruled in my favor. Well, I understand how it was
2 ruled in my favor. Let me back up for a second. At the
3 magistrate hearing at my court date, the magistrate judge has
4 actually had the flash drive reviewed and several videos were
5 reviewed in the courtroom and showed explicitly that this
6 installation was not at all actually installed.

7 The planks were simply laid over the concrete not
8 rolled, not pressed. So, my videos show me lifting off each
9 plank with one hand only hold in the telephone with camera in
10 the other hand. This is not even a mockery of installation;
11 this is zero installation. So, the judge did have to rule in
12 my favor, the amount of the judgment was what actually made me
13 deadly concerned. The judge ruled only \$2,000 to be recovered
14 to me from the Defendant was the actual amount of the contract
15 plus the inspection fee were \$3,825.

16 There was no explanation provided for why \$1,825 were
17 decided to not be recovered to me. And the reason I felt very
18 unsafe at this judgment was that it in center hide Mr. Kocsis
19 in the -- his line of operation. In other words, Mr. Kocsis
20 earned \$1,800 per day's work of salvaging half from my condo.

21 He earned money to salvage somebody else's property.
22 I have experience of being ripped off ever since I've relocated
23 into this community, three years ago because of my disability,
24 I have to retire. So, I had to find a place where life is a
25 little less expensive. I bought this condo and then an immense

1 amount of collusion started happening to where initially for
2 the longest time I thought I was just being imaginative. I
3 thought things were just something as fantastic as that
4 couldn't be true. So, I started to collect evidence and is the
5 evidence of the objective facts that I had been collecting that
6 showed me that collusion indeed happens in this community,
7 people are indeed ripping me off and so I thought - I felt very
8 unsafe.

9 THE COURT: Let me interrupt you for a minute, I want
10 to make sure I understand. The amount of the prayer, which is
11 the amount you requested was 3,825, is that right, but the
12 amount of the award was 2000?

13 MS. TESLENKO: Correct.

14 THE COURT: Okay. And I don't have the benefit of
15 the order. I see the documents that were filed but I still
16 don't see the return.

17 MS. TESLENKO: I can actually see the return.

18 THE COURT: Explaining it. So -- I'm sorry, say that
19 again for me?

20 MS. TESLENKO: It was after I reviewed the return --
21 returned by the magistrate court that I discovered that the
22 magistrate's court omitted my flash drive and preprinted
23 documents were also omitted from the printed documents package
24 that it turned in to the magistrate's court. One was my
25 statement, which outlined exactly that there was a complete

1 bridge of contract and that I was requesting or praying for
2 \$3,825. The second document -- the second category of
3 documents were all the manufacturer's instructions. And third
4 document omitted in the magistrate return was a copy of my
5 check paying the inspections fee. The judgment itself contains
6 not ---

7 THE COURT: Let me do this. Ms. Teslenko and I
8 appreciate you sharing that. I think I understood essentially
9 what was going on before you explained it, but after you
10 explained it, I understand it better. I need the opportunity
11 to review all of those documents that are in that return and,
12 and find the summary portion of it as well to see if there is a
13 sufficient legal explanation for that reduction.

14 Okay. If there is a sufficient legal explanation for that
15 reduction then the award may have to stay at the \$2,000. Okay?
16 If there's not a sufficient explanation then I'll have to sort
17 out how to handle that. It wouldn't necessarily mean that I
18 would change the award. It may very well require that the
19 matter be reconsidered or reviewed by the magistrate after
20 being remanded or returned to them. Okay?

21 MS. TESLENKO: Could I ask you a few questions, two
22 questions. I don't know how to -- can I ask you a question,
23 Your Honor.

24 THE COURT: I can't give you any legal advice but I
25 might be able to share some explanation.

Exhibit B

**Letter Submitting Exhibits Omitted in
Lower Court's Return
(July 22, 2024, p. 84)**

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

FILED
HORRY COUNTY
2024 JUL 22 P 2 16
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, Appellant,
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

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**PROOF OF SERVICE OF APPELLANT'S MOTION UNDER RULE 240, SCACR, TO COMPEL
TRANSMISSION OF ORIGINAL EXHIBITS**

Appellant hereby certifies that she has served her Motion Under Rule 240, SCACR, to Compel Transmission of Original Exhibits on Respondent, Mr. Joe Kocsis, who at all relevant times represented himself to be the owner of Carpet King & Flooring. Service was made by depositing a true copy thereof with Federal Express, postage prepaid, on August 28 2025, addressed to: Mr. Joe Kocsis, Carpet King & Flooring, 532 Broadway Street, Myrtle Beach, SC 29577.

Respectfully submitted,

/s/ Olga Teslenko

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

Dated: August 28, 2025