

Apr 09 2026

SC Court of Appeals

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.

FILED
 HORRY COUNTY
 2024 JUL 22 P 2:20
 RENEE N. ELVIS
 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.

- 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.

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.

- Substrate shall be smooth and free of all loose material, oil, wax, grease, dirt, or other contaminants. If a repair is needed, use a repair material that is compatible with the adhesive.
- If the adhesive residue is asphalt-based (cut-back), or any other type of adhesive, it must be removed by an accepted method 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.

- Concrete floors shall be flat and smooth within 1/8" in 10 feet or 1/4" 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 a cementitious patching and leveling compound that meets or exceeds 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 a bond test to ensure proper adhesion to the substrate. Shaw 9050 primer can be utilized to promote adhesion.
- Do not use water or any other liquid to clean the substrate. If any residue remains on the substrate, it must be removed. 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 curing, 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.

FILED
 HORRY COUNTY
 2024 JUN 22 PM 2:19
 RENE N. ELIJS
 CLERK OF COURT
 HORRY COUNTY SC

ITEM 22

**Appellant's Motion for Abeyance, without
Exhibits (filed Dec 5, 2024).**

RECEIVED

Dec 05 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

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

Appellate Case No. 2024-001734

Olga Teslenko, Appellant,
v.
Joe Kocsis, Carpet King & Flooring, Respondents.

MOTION TO HOLD THE CASE IN ABEYANCE

Pursuant to this Court's inherent authority to control its docket, appellant Olga Teslenko ("Appellant") respectfully moves this Court to hold in abeyance all proceedings in the above-captioned appeal, including the briefing schedule, pending the disposition of Appellant's motion for the release and transfer of the original exhibits, until the date when Appellant's original exhibits become available in this Court.

The grounds for this motion are the following:

LEGAL STANDARD

CASES

Owens v. Stirling, 438 S.C. 352, 882 S.E.2d 858 (S.C. 2023), “We will hold the remainder of the appeal in abeyance pending the circuit court's resolution of the discovery issue”.

Ross Marine, LLC v. Query, Sautter, & Gliserman, LLC, 671 S.E.2d 604 (S.C. 2009), “The Court of Appeals held the present appeal in abeyance pending this Court's disposition of the...request”.

Sea Pines Ass'n v. South Carolina Department of Natural Resources, 345 S.C. 594, 550 S.E.2d 287 (S.C. 2001), “[T]he Court of Appeals issued an order holding the appeal in abeyance pending the outcome of a trial *on the merits of the case*”.

Patton v. Kimble, No. 19-6902 (4th Cir. May. 13, 2021), “We held this appeal in abeyance pending the disposition [...]”.

Edwards v. SunCom, 369 S.C. 91, 95, 631 S.E.2d 529, 531 (2006): (the decision to stay a case is within a court's discretion).

STATUTES:

§ 18-7-130: “The appeal shall be heard by the court *upon all the papers* in the case [...]”;

§ 18-7-170: “Upon hearing the appeal, the appellate court shall give judgment according to the *justice of the case*, without regard to...defects which do not affect *the merits*”;

§ 18-1-100: “When a party shall give, in good faith, notice...and shall omit, through mistake...*to stay proceedings* the court may permit an amendment on such terms as may be just”.

USCS Ct App 4th Cir., Loc. R. 12(d): “In the interest of docket control the Court may, either on its own motion or upon request, place a case in abeyance *pending disposition of matters before this Court or other courts which may affect the ultimate resolution of an appeal.*”

FACTS

1. Appellant filed her motion for the release and transfer of the original exhibits on November 12th, 2024.
2. On November 21st, Appellant was notified of a deficiency with that motion, corrected it that same day, but, through ignorance and honest mistake, failed to serve that correction on Respondent.
3. On November 25th, Appellant was notified of this second deficiency. The following day Appellant clarified the nature of this deficiency, and on November 27th, 2024, filed the second correction.

GROUND IN SUPPORT

Even though Appellant has not received any more deficiency notices, today, on December 5th, 2024, Appellant’s motion for the release and transfer of the original exhibits has not yet been sent for adjudgment. Appellant’s truly woeful ignorance in jurisprudence has slowed down the processing of the motion, but experience also suggests that this motion’s progress may be difficult even when it is perfected to the T. However, the above case cannot be ascertained without the review of Appellant’s exhibits, admitted in both lower

courts, because they are not only relevant but essential for proving Appellant's case. Regrettably, nearly all of Appellant's paper exhibits were rendered illegible in the process of being scanned, as is shown in Appellant's motion for the release and transfer of the original exhibits (enclosed). Therefore, the only way for this Court to review them is to have the originals transferred and to review the originals. Additionally, one of Appellant's exhibits is a flashdrive containing essential photo and video evidence. Appellant needs to designate that flashdrive and those paper documents into the record on appeal. In other words, the very merits of the above case cannot be formulated without the designation of Appellant's original exhibits into the record on appeal. How can Appellant argue her case if she has to refer to documents that are completely illegible and videos that are not available? Appellant's brief is contingent on the availability of Appellant's original exhibits in this Court. Since they are still unavailable, Appellant had to obtain a second extension of time to rescue Appellant's case from being dismissed. But no more extensions will be possible. At the same time, numerous South Carolina statutes clad Appellant with the duty of persuasion, which makes sense for no one but Appellant has the duty to establish Appellant's case. To which end Rule 210, SCACR, stipulates the requirements for the initial brief, and in part (c) and (f) specifically requires original exhibits in certain situations. Please see also the enclosed Letter of Explanation from the Clerk. It follows then that if Appellant is to be given an opportunity to formulate the merits of the above case in a meaningful and precise brief, and to designate a meaningful and strictly relevant record, in compliance with the law, this Court should hold in abeyance the above-captioned case pending the disposition and fulfillment of Appellant's motion for the release and transfer of the original exhibits.

Without this abeyance, Appellant is at a significant risk of approaching Appellant's

initial briefing deadline without Appellant's original exhibits available in this Court, which is guaranteed to cause the same miscarriage of justice as has been caused by the lower courts judgment and orders being appealed thence here. On the other hand, holding the above case in abeyance (including the briefing schedule) will remove this risk and nullify the chances of this Court being forced to make a blind uninformed decision. Once Appellant's motion for the release and transfer of the original exhibits is disposed and fulfilled, the precise and meaningful formulation of Appellant's brief will be possible and will be done expeditiously, and the above case can proceed.

For the foregoing reasons, Appellant respectfully requests that this Court hold the above case in abeyance pending the disposition and fulfillment of Appellant's motion for the release and transfer of the original exhibits.

This abeyance will not prejudice or present a disadvantage to Respondent.

This motion is in compliance with Rule 240, SCACR.

Respectfully submitted,

/s/ Olga Teslenko

Olga Teslenko

100 FP #103,

MB, SC 29579.

osenochen@gmail.com

(510) 388-2780

Pro se Appellant

Dated: December 04, 2024.

Enclosed:

Letter of Explanation from the Clerk;

Motion for the Release and Transfer of the Original Exhibits.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

November 08, 2024

Olga Teslenko
100 Fountain Pointe Ln, Unit 103,
Myrtle Beach SC 29579

Re: Olga Teslenko v. Joe Kocsis
Appellate Case No. 2024-001734

Dear Ms. Teslenko:

The Court received your letter dated November 04, 2024, inquiring about designating exhibits entered by the trial court. If the exhibits are documents that are capable of being reproduced on a page that is 8 1/2 inches by 11 inches, then you may include copies of those exhibits in the record on appeal. If the exhibit entered in the trial court is not capable of reproduction in the record on appeal, such as a video or oversized exhibit, then you may request the issuance of an order of this Court directing the release of the exhibit for the purpose of appeal. In other words, scanned copies of the exhibits are acceptable, as long as they are also legible. In most cases, the Court of Appeals does not need original exhibits.

Very truly yours,


CLERK

cc: Carpet King & Flooring
Joe Kocsis

ITEM 23

**Court of Appeals Order Denying
Transmission (filed Jan 14, 2025).**

The South Carolina Court of Appeals

Olga Teslenko, Appellant,

v.

Joe Kocsis and Carpet King & Flooring, Respondents.

Appellate Case No. 2024-001734

ORDER

Appellant filed a motion seeking transportation of exhibits from the circuit court pursuant to Rule 210(f), SCACR. In the Court's deficiency letter dated November 21, 2024, we indicated that Appellant must provide a list of the specific exhibits admitted at trial, such as Plaintiff's Exhibit 1 (flash drive). Although Appellant provided a detailed list of the items she wishes to have transported to this Court, she did not provide any specific exhibit numbers, which are required for identification by the circuit court Clerk of Court. Furthermore, items 1-15 identified in Appellant's motion appear to be documents capable of reproduction in the record on appeal. Items 1-15 should be included in Appellant's designation of matter, then later reproduced as part of the record on appeal, as contemplated by Rules 209 and 210(c), SCACR. To the extent Appellant wishes to have item 16 transported to this Court for review, she must provide the exhibit number from the circuit court. Accordingly, Appellant's motion for transportation of exhibits from the circuit court is denied.

Appellant also filed a motion seeking to hold the appeal in abeyance pending release of exhibits from the circuit court. The motion is denied. The appellant's initial brief and designation of matter are due within 30 days of the date of this order.


_____, C.J.
FOR THE COURT

Columbia, South Carolina

cc:

Olga Teslenko

Carpet King & Flooring

Joe Kocsis

FILED
Jan 14 2025

ITEM 24

**Appellant's Request for Clarification,
without Exhibits (filed Jan 15, 2025).**

RECEIVED**Jan 15 2025****SC Court of Appeals**

**REQUEST FOR CLARIFICATION
REGARDING JAN 14TH ORDER DENYING
APPELLANT'S MOTION FOR TRANSPORTATION OF THE ORIGINAL EXHIBITS**

January 15, 2025

The Honorable H. Bruce Williams, Chief Judge;
The Honorable Jenny Abbott Kitchings, Clerk of Court,
The South Carolina Court of Appeals
Email: ctappfilings@sccourts.org

Re.: Olga Teslenko v. Joe Kocsis; Appellate Case No. 2024-001734.

Dear Chief Judge Williams,

I am writing to respectfully request clarification on this Court's Order dated Jan 14th denying my motion for transportation of the original exhibits in the above-captioned case. Specifically, I am seeking clarification regarding the following five questions:

1. Due to ignorance and upon instruction by the circuit court clerk's office, all of the exhibits I filed with the circuit court on 7.22.2024 (prior to my hearing) were filed within a Letter Submitting Exhibits Omitted in Lower Court's Return in the form of "a flash drive and printed documents the same way I submitted it to the Magistrate court originally". Please see the scanned image of my flash drive as it was filed with the circuit court, and the Letter, enclosed below. All of these exhibits had been admitted at trial in the magistrate court as evidenced by the Plaintiff's statement returned by the magistrate and magistrate's summary returned by the magistrate. The Plaintiff's statement, returned by the magistrate, is enclosed below. Due to ignorance, all of my exhibits admitted at trial in the magistrate court, were not numbered. Consequently, the same exhibits filed with the circuit court were also not numbered. I explained the same, later, to the Honorable circuit court judge at my hearing. The circuit court hearing transcript is enclosed here

below. Yet the wording in this Court's order appears to suggest that none of my exhibits thus admitted at trial and filed with the circuit court may be included in the record on appeal because they were not numbered¹. Is this interpretation correct?

2. All of the exhibits I filed with the circuit court were admitted at trial in the magistrate court, yet this Court has denied my motion for transportation because these exhibits were not numbered². Does that mean there is absolutely no way I may include my flash drive, filed with the circuit court, in the record on appeal?
3. Can my flash drive still be transported to this court for review based on its scanned image, scanned as it was filed with the circuit court? (see below).
4. Can my paper exhibits still be transported to this court for review all together based on the total number of pages filed with the circuit court? Currently, the document filed in the circuit court filing system on 7.22.2024 as Letter Submitting Exhibits Omitted in Lower Court's Return contains 83 pages and a flash drive. Can all 83 pages and the flash drive be transported to this court for review, as one packet?
5. All of the paper exhibits I filed with the circuit court were admitted at trial in the magistrate court but scanned to become completely illegible in the circuit court filing system, as is demonstrated in my motion for transportation. Even if I include all such exhibits in my designation of matter, won't they be provided in their spoiled, illegible, form to be included in my record on appeal?

Please let me know if my interpretations above are correct. This court's Order has the effect of finally deciding my appeal because it summarily excludes from the record all of my essential evidence on an insubstantial pretext, even though this evidence was timely filed. By excluding all of my essential evidence, this Court will be committing the same error of law as was committed at the circuit court, - the violation of the 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. By excluding all of my essential evidence, this Court would be adjudicating my appeal on a woefully incomplete record. Essentially, none of my evidence will be included in the record on appeal. This violates my right to introduce evidence, my right to be heard and to state the merits of my appeal, and my right to an equal protection of the law, and reinforces the manifest injustice which has grave, immediate ramifications on public interest. The entire local

community in which I live knows of the continuous blatant discrimination, abuse and plunder, of which this appeal exposes only a small portion. If this Court reinforces the same manifest injustice and illegal practices as were reinforced at the trial court, public trust in the State government will be damaged even deeper than it has already been damaged.

¹“Although Appellant provided a detailed list of the items she wishes to have transported to this Court, she did not provide any specific exhibit numbers, which are required for identification by the circuit court Clerk of Court. To the extent Appellant wishes to have item [...] transported to this Court for review, she must provide the exhibit number from the circuit court”. Order filed Jan 14, 2025.

² Accordingly, Appellant's motion for transportation of exhibits from the circuit court is denied”. Order filed Jan 14, 2025.

Sincerely,

s/ Olga Teslenko

Olga Teslenko

100 Fountain Pointe Ln, Unit 103,

Myrtle Beach, South Carolina 29579,

Telephone: (510) 388-2780,

Email: osenochen@gmail.com,

Dated: January 15th, 2025.

Pro Se Appellant.

Enclosed:

1. Letter Submitting Original Exhibits Omitted in Lower Court's Return, filed on 7.22.2024, pg. 84, Plaintiff's Flashdrive;
2. Return from Magistrate Court, filed on 5.29.2024, left-most document, pp. 22-26, Plaintiff's Statement.
3. Circuit court hearing transcript.

ITEM 25

**Appellant's Follow up (filed Jan 15) and
Clerk's Response (filed Jan 16, 2025).**

RECEIVED

Jan 15 2025

SC Court of Appeals

From: [O. T.](#)
To: [Court Of Appeals Filings](#)
Subject: LETTER TO THE APPELLATE COURT CLERK, Appellate Case No. 2024-001734.
Date: Wednesday, January 15, 2025 10:56:52 PM

*** **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

LETTER TO THE APPELLATE COURT CLERK

January 15, 2025

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Email: ctappfilings@sccourts.org

Re.: Olga Teslenko v. Joe Kocsis,
Appellate Case No. 2024-001734.

Dear Ms. Kitchings:

Thank you very much for answering my request for clarification today. You answered it very succinctly and I understood everything. Mulling over this information, I am afraid I am coming to the conclusion that I do need to petition for a rehearing of that order, even if this petition is automatically denied. I will try to analyze this better before I decide whether or not to file this petition. Would my appeal be still held in abeyance until this petition for rehearing is ruled on, or is the abeyance lifted now and my briefing is due in a month from the date of the order? Please let me know, and thank you again,

Sincerely,

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



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
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January 16, 2025

Olga Teslenko
100 Fountain Pointe Ln, Unit 103,
Myrtle Beach SC 29579

Re: Olga Teslenko v. Joe Kocsis
Appellate Case No. 2024-001734

Dear Ms. Teslenko:

The Court is in receipt of your correspondence filed on January 15, 2025. If you wish to request relief from this Court, you must do so in the form of a motion pursuant to Rule 240 of the South Carolina Appellate Court Rules. Therefore, no further action will be taken on your correspondence.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine Harrison, deputy".

CLERK

cc: Carpet King & Flooring
Joe Kocsis

ITEM 26

**Appellant's Third Motion for Extension of
Time (filed Feb 11, 2025).**

RECEIVED

Feb 11 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, S.C. Circuit Court Judge

Appellate Case No. 2024-001734

Olga Teslenko, Appellant,
v.
Joe Kocsis and Carpet King & Flooring Respondent.

**MOTION FOR EXTENSION OF TIME TO SERVE AND FILE
APPELLANT'S INITIAL BRIEF AND DESIGNATION OF MATTER**

Pursuant to Rule 263(b), SCACR, Appellant moves for an extension of time in which to serve and file Appellant's initial brief and designation of matter to be included in the record on appeal. Appellant respectfully requests an extension of ninety days to file Appellant's initial brief and designation of matter which are currently due on February 17, 2025. This is the third request for an extension filed by Appellant.

The grounds for this motion are two-fold. First, Appellant has been seriously ill over the last three years, including being severely anemic. Please see Appellant's Ferritin test filed on January 6, 2025, and an earlier Ferritin test filed on October 29, 2024 within Appellant's first motion for extension. Appellant is still anemic. This anemia and this illness dramatically impair Appellant's ability to function, which is already impaired by Appellant's disability, making all functioning extraordinarily difficult. Most recently, Appellant couldn't even put a single thought together, so bad was the anemia and the coughing. Appellant, however, has started on a

schedule of iron infusions, which will be administered over the next eight weeks, with the expectation of these infusions normalizing Appellant's iron. This extension will give Appellant time to receive the iron infusions and then build a sound initial brief and designation of matter.

Secondly, after this Court's Jan 14 Order which denied the transfer of Appellant's original exhibits to this Court for review, and after the Honorable Clerk's response to Appellant's request for clarification, Appellant tried diligently to understand how to build a new brief in this new context, without Appellant's flashdrive, but was unable to find the right strategy yet, most likely due to Appellant's anemia. Whichever way Appellant tries to frame this new brief, it seems to be failing the case, and Appellant's mind becomes drowned in depression. It is undoubtedly the result of the long-standing anemia and hypoxia, for it feels like Appellant lost half of her normal vocabulary, forgot how to spell, and lost the ability to think. This ninety-day extension of time before the initial briefing deadline will allow Appellant the time to receive the necessary iron infusions, and find a workable strategy on which to build Appellant's new brief.

For these reasons, Appellant respectfully requests a ninety-day extension of the deadline for filing and serving Appellant's initial brief and designation of matter, which will make it to be May 12, 2025.

This extension will not prejudice the rights of Respondents.

This motion is in compliance with Rule 240, SCACR.

Dated: **February 11, 2025**

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

ITEM 27

**Page 22 of Appellant's oversized Initial Brief
(filed Jun 16, 2025).**

scanning. Still the circuit court order dismissed this report, and these photographs, and Plaintiff's opening statement, and Appellant's filed exhibits, including original Plaintiff's flashdrive.

The magistrate set Plaintiff up by coordinating with the flooring inspector to ensure his absence in court. Plaintiff had no idea about courts or rules of evidence, and therefore didn't know her inspection exhibit is not admissible if it is not supported by the inspector's testimony. That inspection report was only Plaintiff's exhibit which should not have been admitted by the magistrate. The magistrate should have instructed Plaintiff of that deficiency and allowed her to correct it. Instead, the magistrate admitted the inspection report, - or pretended to admit it, - so as to prevent Plaintiff from taking corrective action. His intention was to partition the responsibility for the intentionally botched installation to protect Defendant and teach Plaintiff the rules. When Plaintiff appealed to the circuit court, the magistrate coordinated with the circuit court clerks, removed key exhibits from his return on appeal, but allowed the inspection report to remain because he knew it had not been supported by testimony and therefore can't be used against his judgment.

But the law clerk had no way of knowing this.

Nowhere in the magistrate's summary, or other returned documents, or any filed exhibits is there information about the flooring inspector failing to appear in court. Yet the law clerk dismissed that inspection report as "another flooring company", even though it bears the heading of "Tony Jone's Flooring Inspections". An impartial, unbiased judiciary could not have dismissed an inspection report that says it is an inspection report, looks like an inspection report, contains all the function, information, and format of an inspection report, is corroborated by Plaintiff's statement and flashdrive, and is returned by the magistrate, meaning it was admitted into evidence at trial. Yet the law clerk dismissed that inspection report as "another flooring company's opinion".

This is possible only if the law clerk is coordinated with the magistrate, and the magistrate told him the flooring inspector didn't testify at trial.

The circuit court order proves that its author, the law clerk, did review the magistrate's return, because it uses the phrase "Respondent's work...did not meet industry standards" to

ITEM 28

**Appellant's Supplement to Motion to Exceed
(filed Aug 13, 2025).**

RECEIVED

Aug 13 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.

SUPPLEMENT TO MOTION TO EXCEED PAGE LIMIT

Appellant respectfully supplements her Motion to Exceed Page Limit filed on July 28, 2025. Since filing that motion, Appellant has finalized her amended brief and determined that, despite diligent editing and the elimination of all non-essential material, the final draft still exceeds the 50-page limit in Rule 208(b)(1), SCACR, due to the necessity of preserving multiple, distinct constitutional issues and evidentiary arguments for appellate and potential certiorari review. These issues include, but are not limited to:

1. Fraud on the court at the magistrate and circuit court levels;
2. Systemic deprivation of rights under color of law;
3. Permanent exclusion of admitted trial evidence; and
4. Retaliation and resulting structural collapse of the judicial process.

Because each issue is supported by specific citations to the record and controlling authority, further reduction would either eliminate essential arguments or strip necessary factual and procedural context. This would prejudice Appellant's ability to fully present her case and preserve issues for review.

Appellant therefore respectfully reaffirms her July 28 request and asks that the Court grant leave to file the amended brief at its current length in the interest of justice and in light of the extraordinary circumstances described therein.

Respectfully submitted,

Dated: August 13, 2025

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

ITEM 29

**Appellant's Courtesy Copy of Supplement
(filed Aug 14, 2025).**

Singleton, Mary C.

From: Kitchings, Jenny
Sent: Thursday, August 14, 2025 11:37 AM
To: Court Of Appeals Filings
Subject: FW: Letter submitting a courtesy copy of Appellant's motion to exceed and supplement
Attachments: 1. Teslenko v. Kocsis - Motion to Exceed (Jul 28) (Aug 11).pdf; 2. Teslenko v. Kocsis - Supp. Motion (Aug 13) .pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: Williams, H. Bruce <hwilliams@sccourts.org>
Sent: Thursday, August 14, 2025 11:35 AM
To: Kitchings, Jenny <jkitchings@sccourts.org>
Subject: FW: Letter submitting a courtesy copy of Appellant's motion to exceed and supplement

From: O. T. <osenochen@gmail.com>
Sent: Thursday, August 14, 2025 11:26 AM
To: Williams, H. Bruce <hwilliams@sccourts.org>; Williams, H. Bruce <hwilliams@sccourts.org>
Subject: Letter submitting a courtesy copy of Appellant's motion to exceed and supplement

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

LETTER TO THE CHIEF JUDGE OF THE SOUTH CAROLINA COURT OF APPEALS
PROVIDING A COURTESY COPY OF MOTION TO EXCEED PAGE LIMIT AND SUPPLEMENT

August 14, 2025

The Honorable Chief Judge H. Bruce Williams
South Carolina Court of Appeals
Email: hwilliamsj@sccourts.org
Email: hwilliams@sccourts.org

RE: Teslenko v. Kocsis, Appellate Case No. 2024-001734

Dear Honorable Chief Judge Williams,

I respectfully submit this courtesy copy of my July 28 motion to exceed page limit and August 13 supplement; both filed with the Clerk's Office and still pending without action. My amended initial brief is due today, August 14. My brief exposes the system of coordinated fraud in the lower courts. I am a disabled pro se appellant compelled to

proceed without counsel against the continuous clerical obstruction protecting this fraud. Due to the number and seriousness of the issues involved, my brief cannot be presented within the default page limit, which prompted my July 28 request for permission to exceed this limit. Seventeen days later, no ruling has been issued, and my brief is due today. This creates a procedural trap—my brief already exceeds the default limit, as I reiterated in my supplement filed yesterday.

Trimming my brief today to fit the page limit will erase issues essential to this appeal and any future review, but filing it as is—without an order granting my motion—will lead to its automatic dismissal. Thus, my appeal has now effectively been decided by procedural default rather than on the merits.

I fully respect the traditional filing process and have complied with all applicable procedural rules. However, the unresolved status of this motion, coupled with my disability and the imminent deadline, has created an immediate barrier to appellate review. If my motion is not granted by end of day today, the appeal will effectively be foreclosed by procedural obstruction.

I am grateful for your time and consideration.

Respectfully submitted,

s/ Olga Teslenko

Pro se Appellant

Olga Teslenko

100 Fountain Pointe Ln, Unit 103,

Myrtle Beach, South Carolina 29579

Telephone: (510) 388-2780

Email: osenochen@gmail.com

Dated: **August 14, 2025**

Attached:

1. Motion to Exceed Page Limit;
2. Supplement to Motion to Exceed Page Limit.

ITEM 30

**Appellant's Third Motion to Compel
Transmission (filed Aug 28, 2025).**

RECEIVED

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).

ITEM 31

**Court of Appeals Denial Letter
(filed Sep 3, 2025).**



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 03, 2025

Olga Teslenko
100 Fountain Pointe Ln, Unit 103,
Myrtle Beach SC 29579

Re: Olga Teslenko v. Joe Kocsis
Appellate Case No. 2024-001734

Dear Ms. Teslenko:

The Court is in receipt of your motion to compel transmission of the original exhibits dated August 28, 2025. This motion has been construed as a motion requesting reconsideration of decisions previously issued by this Court. Pursuant to Rule 221(c) of the South Carolina Appellate Court Rules (SCACR), the appellate court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal. Therefore, this Court declines to consider your motion for reconsideration dated August 28, 2025, and no further action will be taken.

Very truly yours,

Catherine Harrison, deputy
CLERK

cc: Carpet King & Flooring
Joe Kocsis

ITEM 32

**Appellant's Fourth Motion to Compel
Transmission,
without Exhibits (filed Sep 4, 2025).**

RECEIVED

Sep 04 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.

**EXPEDITED MOTION TO TRANSMIT FLASHDRIVE AND ORIGINAL EXHIBITS, AND TO HOLD
APPEAL IN ABEYANCE**

NOW COMES Olga Teslenko, Appellant, acting pro se, and respectfully moves this Honorable Court pursuant to SCACR Rule 210(c) and (f) for an Order requiring the Clerk of the Horry County Circuit Court to transmit the physical flashdrive and original paper exhibits filed on July 22, 2024, and to hold this appeal in abeyance until the requested trial materials have been transmitted. Appellant asserts that a denial of this motion would be dispositional, effectively dismissing the appeal in violation of due process. **This motion invokes the Court's duty under Rule 210, SCACR, to transmit the filed trial exhibits for review, and is not a motion for transportation or reconsideration.** This motion seeks panel review to preserve due process.

In support of this motion, Appellant states the following:

I. FACTS.

A. Integrity of Trial Exhibits.

1. **Admitted Trial Exhibits.** At the magistrate court trial, Appellant entered a package of exhibits, including paper documents and a flashdrive with critical video and audio evidence. The magistrate reviewed, authenticated, and admitted these exhibits into evidence without objection. The magistrate's summary, while otherwise fraudulent, contains no record of any objection, deficiency, or ruling to strike. **See exhibit Z.**
2. **Omitted Exhibits Refiled.** The magistrate's return to the circuit court omitted these trial exhibits. On July 22, 2024, pursuant to the county clerk's instruction, Appellant re-filed the omitted exhibits, both paper and flashdrive, emphasizing that they were critical to the appeal and constituted the original trial record: "Without this evidence, the matter of my appeal cannot be ascertained. **See exhibit A.**
3. **Correcting Court's Mischaracterization.** When the clerk miscaptioned the filing, Appellant corrected it, certifying that the exhibits were properly reviewed, authenticated, and admitted at trial: "Appellant filed evidence which has been omitted in the returned documents... [at trial], this evidence was in fact reviewed in court". **See exhibit B.**
4. **Re-filed Exhibits Undisputed.** At the circuit court hearing, Appellant confirmed under oath that the re-filed exhibits were identical to those admitted at trial. There were no objections. the presiding judge acknowledged the exhibits, stating an intent to review them. **See exhibit C, p. 4 through 10.**
5. **Authenticity Confirmed by Necessity.** In a motion for reconsideration, Appellant demonstrated that the re-filed exhibits were, by necessity, identical to those admitted at trial, as they consisted of official state documents and digital evidence already corroborated by the record. **See Appellant's motion for reconsideration on the Horry County Circuit Court docket, civil case No. 2024CP2602983, filed on 9/20/2024, pp. 7-13.**
6. **Compromised Record.** The circuit court's scanning of the paper exhibits rendered them illegible, and the court excluded the flashdrive entirely, as documented in Appellant's first motion for release and transfer, enclosed here as **Exhibit D.**

B. Constitutional Nature and Prejudice.

1. **Nature of the Appeal.** This appeal is a suit in equity to set aside the magistrate's judgment and circuit court orders for extrinsic fraud, raising due process violations and a denial of access to courts.
2. **Essential Evidence.** The flashdrive and paper exhibits contain direct evidence of this fraud. Without them, Appellant cannot establish her case, and attempts to brief using the defective record have proven futile. **See Exhibits J, L, M, and P.**
3. **Futile Briefing Attempts and Procedural Trap.** Appellant's attempts to brief the case without the original evidence resulted in an oversized brief, as documented in the July 28 motion to exceed page limit and August 13 supplement. In those filings, she cited the existence of numerous constitutional issues, arguing that further reduction of argumentation would eliminate essential claims. With the briefing deadline looming and no ruling on her motion, Appellant was compelled to email a courtesy copy of the August 13 Supplement directly to the Chief Judge, explaining the procedural trap. Emailing a courtesy copy was compelled by procedural necessity to prevent the appeal from being effectively dismissed by inaction, not as an attempt at ex parte communication. Still with no ruling on her motion to exceed, Appellant filed her oversized initial brief conditionally. The brief exposed a coordinated structure of judicial fraud across multiple courts. Her motion to exceed was denied on August 18 without explanation, her initial brief was stricken, and her motion to reconsider was dismissed by the Clerk on August 28 in a letter. **See Appellant's amended initial brief (stricken) on the Court of Appeals docket, Appellate Case No. 2024-001734, filed on August 15, 2025, and Exhibits J, K, L, M, and P.**
4. **Excluding Evidence Guarantees Appeal Failure.** The materially incomplete and illegible Record on Appeal, due to the omission of the flashdrive and the illegibility of scanned documents, guarantees Appellant's brief is unsupported. This effectively erases her constitutional claims and forces her appeal to fail, regardless of its merits.
5. **Deprivation of Rights Under Color of Law.** This obstruction effectively denies Appellant due process and access to the protection of the law. Continued denial of access to trial evidence severely prejudices Appellant and raises a major public interest question regarding the court's refusal to review critical evidence that exposes potential coordinated judicial fraud. A denial of this motion is dispositional, foreclosing

the appeal in violation of due process.

C. The Pattern of Obstruction.

- 1. First Motion (Nov 12, 2024):** The Clerk improperly re-branded Appellant's motion for Release and Transfer of Original Exhibits as a "motion for transportation". The motion was ultimately denied on January 14, 2025 by a judicial order signed by the Chief Judge, based on the improper pretext of unnumbered exhibits: "Although Appellant provided a detailed list of the items she wishes to have transported to this court, she did not provide any specific exhibit numbers... to have item 16 [flashdrive] transported to this Court for review, she must provide the exhibit number from the circuit court". Appellant filed objections and demonstrated that the denial was dispositional. The Clerk disregarded Appellant's objections, asserted that transmission was impossible, and actively discouraged rehearing. **See Exhibits D, G, H, and I.**
- 2. Second Motion (Aug 25, 2025):** The Clerk again improperly re-branded the renewed motion to compel transmission of original exhibits as a "motion for reconsideration". Appellant attempted to rectify the rebranding by providing a courtesy copy to the Chief Judge showing that this was an evidentiary motion. This was a good-faith effort driven by necessity, not an attempt at ex parte communication. The courtesy copy made no difference. The Clerk dismissed the motion in a letter on August 28, 2025, using Rule 221, inapplicable to dispositional orders. **See Exhibits O, P, R, and S.**
- 3. Third Motion (Aug 28, 2025):** The Clerk dismissed the third motion to compel transmission of original exhibits by construing it as a request for reconsideration, and dismissing in a No Action letter on September 3, 2025, further demonstrating the pattern of procedural obstruction. **See Exhibits T and U.**
- 4. Fourth, Current, Motion (September 3, 2025):** This current motion is a good-faith attempt to provide a full procedural history in order to rectify the continued denial of due process. **Appellant is not adding new evidence, but seeking the transmission of the filed trial exhibits.**

D. Appellant's Limitations and Good Faith.

1. **Disability and Illness:** Appellant has a hereditary neurological disability which impairs function, along with a recent severe illness. These conditions, acknowledged in a previous motion, objectively impede Appellant's ability to manage legal proceedings and explain the necessity of using extensions of time. **See Exhibit N.**
2. **Denial of Legal Representation:** Despite diligent and continuous efforts, Appellant has been categorically unable to retain legal representation. Around 70 firms have declined engagement after learning Appellant's name and address. This forced pro se status, coupled with her health conditions, underscores that any procedural deficiencies are the result of objective impairments outside of her control and not a lack of good faith. **See Exhibit N.**

F. Itemized List of Original Trial Exhibits.

The trial exhibits, re-filed with the Horry County Circuit Court on July 22, 2024, are identified by the title on each document and the scanned copy of the filed flashdrive:

1. Plaintiff's Exhibit: paper document (two pages total, pp. 1–2) showing the title **South Carolina Residential Construction Standards:** the first two pages of the official South Carolina Residential Construction Standards document, adopted by commission on February 18, 1998; the Official Seal page and the Table of Contents page;
2. Plaintiff's Exhibit: paper document (five pages total, pp. 36–40) showing the title **RESILIENT FLOORING STANDARDS:** the complete Resilient Flooring Standards chapter excerpted for the official South Carolina Residential Construction Standards document;
3. Plaintiff's Exhibit: paper document (two pages total, not paginated) showing the title **Tony Jones Flooring Inspections, company address, report caption, findings, and signature:** the first two pages of the 01/29/24 Tony Jones Flooring Inspections report containing the company's title, the report caption, findings, and Tony Jones' signature, attributed to F.C.I.T.S. Inspection Agency;
4. Plaintiff's Exhibit: paper photographs (forty-five pages total, not paginated) showing the flooring and measurements: the forty-five photographs taken by Tony Jones

- during his inspection and enclosed with the **Tony Jones Flooring Inspections** report, as referenced in the findings;
5. Plaintiff's Exhibit: paper document (one page total, not paginated) showing the title **SHAW FLOORS, What to Expect and How to Prepare for Resilient Flooring**: a screenprint of the official Shaw Floors website: <https://shawfloors.com/flooring/how-to/vinyl/installation/what-to-expect-and-how-to-prepare>, saved in simplified printing mode (with no images);
 6. Plaintiff's Exhibit: document (three pages total, not paginated) showing the top title **SHAW FLOORS**: Appellant's own self-made summation document, also stored on the flashdrive as 'All Instructions.pdf', proffered in the opening statement for convenience of reference;
 7. Plaintiff's Exhibit: paper document (seven pages total, pp. 1–7) showing the title **SHAW FLOORS INSTALLATION, INSTALLATION GUIDELINES FOR RESIDENTIAL RESILIENT DIRECT GLUE**: the official instructions document downloaded off the official Shaw Floors website shawfloors.com. Revision No. 04012022;
 8. Plaintiff's Exhibit: paper document (five pages total, pp. 1–5) showing the title **PHILADELPHIA COMMERCIAL SPECIFICATION, SHAW 200 RESILIENT ADHESIVE**: the official adhesive specification document downloaded off the official website philadelphiacommercial.com. Revision No. 09052023.
 9. Plaintiff's Exhibit: paper photograph (one page total) showing **CARPET KING AND FLOORING, LLC, Shaw 200 TPS 4G**: the photograph of the shipping label off the top of the glue bucket;
 10. Plaintiff's Exhibit: paper photograph (one page total) showing **RECOMMENDED TROWELS**: the photograph of the manufacturer label off the back of the glue bucket;
 11. Plaintiff's Exhibit: paper photograph (one page total) showing **LUXURY VINYL ADHESIVE**: the photograph of the manufacturer label off the back of the glue bucket;
 12. Plaintiff's Exhibit: paper printout (three pages total) showing **Carpet Kind and flooring. Fri, Nov 17, 2023 at 2:36 PM**: a standard Gmail printout of the Carpet King and flooring email communication;

13. Plaintiff's Exhibit: paper photograph (one page total) showing concrete slab and a carpenter's ruler: the photograph of a properly prepared concrete slab, downloaded off of the National Floor Covering Association (NFCA) manual (full manual is included in Plaintiff's flashdrive);
14. Plaintiff's Exhibit: paper photograph (one page total) showing detached vinyl flooring: the photograph of inadequate adhesive transfer, downloaded off of the National Floor Covering Association, NFCA, manual (full manual is included in Plaintiff's flashdrive);
15. Plaintiff's Exhibit: **one (1) physical flashdrive as scanned at filing (Exhibit A)**: Plaintiff's trial flash drive containing critical digital evidence, including video and audio exhibits.

II. LEGAL BASIS.

This motion is based upon the following South Carolina Appellate Court Rules and the constitutional right to due process guaranteed by both state and federal law:

U.S. Const. amend. XIV, § 1: The Due Process Clause.

S.C. Const. art. I, § 3: The Due Process Clause.

Rule 210(c), SCACR: Governing the content of the Record on Appeal.

Rule 210(f), SCACR: Governing the transmission of exhibits that do not lend themselves to accurate reproduction.

Rule 606(b), SCACR: Authorizing the release of exhibits upon a court order.

III. ARGUMENT.

A. The Flawed Record Violates Due Process and S.C. Appellate Court Rules, s, Requiring Expedited Processing and Panel Review.

1. The incomplete and illegible record violates Appellant's fundamental right to due process and contravenes Rules 210(c) and 210(f), which mandate a complete record and require the transmission of exhibits that do not accurately reproduce.
2. Due to the imminent **September 17, 2025 briefing deadline**, Appellant requires expedited processing to prevent the forfeiture of her appeal. A delay in ruling on this motion causes irreparable harm by ensuring Appellant has no access to her trial

evidence, effectively terminating her appeal.

3. Given the exceptional circumstances, including the pattern of procedural irregularities, the constitutional nature of the issues, and the potential for a detrimental precedent, review by a **panel of judges** is warranted to ensure due process.

- B. Denial of this Motion is Dispositional and Subject to Challenge.** Any denial of this motion would effectively terminate Appellant's appeal. Previous mischaracterizations of similar denials as "non-dispositional" are legally incorrect. This denial would be a dispositional act subject to challenge under **Rule 221(c), SCACR**, and constitutional due process.
- C. The Pattern of Procedural Obstruction Deprives Appellant of Due Process.** As documented in the attached exhibits, the Court's repeated and procedurally improper actions have systematically obstructed the review of Appellant's trial evidence, constituting a pattern of due process deprivation. Appellant's provision of courtesy copies was forced by this due process deprivation, and was not an attempt to circumvent Respondent.
- D. The Court's Continued Refusal to Consider Properly Filed Exhibits Threatens the Integrity of the Appellate Process.** Endorsing the denial of properly filed exhibits based on invalid procedural pretexts sets a dangerous precedent that undermines the integrity of the judiciary.
- E. Pre-Deadline Abeyance is a Necessary and Urgent Remedy.** To prevent a miscarriage of justice and the effective dismissal of Appellant's appeal, an order for abeyance is required before the September 17, 2025 briefing deadline. Holding the appeal in abeyance until the evidence is transmitted will ensure Appellant has a fair opportunity to prepare a brief based on the complete and accurate trial record.

IV. RELIEF REQUESTED.

WHEREFORE, Appellant respectfully requests that this Honorable Court enter an Order:

1. Granting expedited review and processing of this motion.
2. Granting review by a panel of judges.

3. Acknowledging that any denial of this motion would constitute a final and dispositional order.
4. Directing the Clerk of the Horry County Circuit Court to immediately transmit the original flashdrive and paper exhibits filed on July 22, 2024.
5. In the alternative, permitting Appellant to substitute legible, verified copies of her trial paper exhibits and flashdrive, and formally accepting them into the record.
6. Holding the appeal in abeyance, and tolling all briefing deadlines, until the requested evidence has been transmitted.
7. Granting such other relief as is just and proper to ensure the integrity of the appellate process and protect Appellant's constitutional rights.

Respectfully submitted,

Dated: September 4, 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

Enclosed:

EXHIBITS A – Z.

EXHIBITS TO APPELLANT’S EXPEDITED MOTION TO TRANSMIT FLASHDRIVE AND ORIGINAL EXHIBITS, AND TO HOLD APPEAL IN ABEYANCE

EXHIBIT INDEX

Exhibit A	Appellant’s flashdrive, scanned when filed within Letter Submitting Exhibits Omitted in Lower Court’s Return, filed July 22, 2024.	Page 1
Exhibit B	Appellant’s Correction Request: Exhibits Reviewed at Trial, filed August 14, 2024.	Page 2
Exhibit C	Official Transcript of the 8/21/2024 Circuit Court Hearing	Pages 3 – 15
Exhibit D	Appellant’s First Motion for Release and Transfer of Original Exhibits, filed November 12, 2024.	Pages 16 – 39
Exhibits E, F	Deficiency Notices, filed November 21, 2024 and November 25, 2024.	Page 40, 41
Exhibit G	Court of Appeals Order Denying Motion for Exhibits, filed January 14, 2025.	Pages 42 – 43
Exhibit H	Appellant’s Request for Clarification, filed January 15, 2025.	Pages 44 – 65
Exhibit I	Appellant’s Follow Up and Clerk’s response, filed January 15, 2025	Pages 66 – 67
Exhibit J	Appellant’s Supplement to Motion to Exceed, filed August 13, 2025.	Pages 68 – 69
Exhibit K	Appellant’s Email, Courtesy Copy of Supplement to Motion to Exceed, filed August 14, 2025.	Pages 70 – 71
Exhibit L	Court of Appeals Order Denying Motion to Exceed, filed August 18, 2025.	Pages 72 – 73
Exhibit M	Appellant’s Motion to Reconsider Denial to Exceed, filed August 20, 2025.	Pages 74 – 76
Exhibit N	Appellant’s Motion for Extension of Time, filed October 29, 2024.	Pages 78 – 85
Exhibit O	Appellant’s Second, Renewed Motion to Compel Transmission of Original Exhibits, filed August 25, 2025.	Pages 86 – 89
Exhibit P	Clerk’s Letter, Dismissing Appellant’s Motions, filed August 28, 2025.	Pages 90 – 91
Exhibit R	Clerk’s Letter, Ex-Parte Communication, filed August 28, 2025.	Page 92
Exhibit S	Appellant’s Email, Courtesy Copy of Renewed Motion to Compel Transmission, filed August 25, 2025.	Pages 93 – 95
Exhibit T	Appellant’s Third Motion to Compel Transmission of Original Exhibits, filed August 28, 2025.	Pages 96 – 97
Exhibit U	Clerk’s Letter, No Action, filed September 3, 2025.	Page 98
Exhibit Z	Magistrate’s Summary, backfiled on August 22, 2024 into the May 29, 2024 docket entry for magistrate’s return.	Pages 99–100

ITEM 33

**Court of Appeals Order Granting Transmission
(filed Nov 26, 2025).**

The South Carolina Court of Appeals

Olga Teslenko, Appellant,

v.

Joe Kocsis and Carpet King & Flooring, Respondents.

Appellate Case No. 2024-001734

ORDER

On August 28, 2025, Appellant filed a motion "to compel transmission of original exhibits." Specifically, Appellant moved this court to compel the transmission of original documents and a flash drive that she filed with the circuit court on July 22, 2024, to this court for consideration as part of her appeal. Appellant stated the circuit court scanned the paper documents in a manner that rendered them illegible; thus, Appellant asserted the original paper documents are necessary. Alternatively, Appellant moved to allow her "to substitute her copies, including the flash drive." No return was filed. After careful consideration, we grant Appellant's motion for alternative relief. Within ten days of the date of this order, Appellant shall provide this court with copies of the paper exhibits and flash drive that she provided to the circuit court on July 22, 2024.



J.

FOR THE COURT

Columbia, South Carolina

cc:

Olga Teslenko

Carpet King & Flooring

Joe Kocsis

FILED
Nov 26 2025

ITEM 34

**Appellant's Original Trial Exhibits
(transmitted on Dec 1, 2025).**

RECEIVED

DEC 01 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.

LETTER TO THE APPELLATE COURT CLERK FILING APPELLANT'S TRIAL EXHIBITS AS REFILED
WITH THE CIRCUIT COURT ON 7/22/2024

December 2, 2025

TO THE HONORABLE JENNY ABBOTT KITCHINGS, CLERK OF COURT
SOUTH CAROLINA COURT OF APPEALS
1220 Senate St.
Columbia, SC 29201
(803) 734-1890

RE: Olga Teslenko v. Joe Kocsis, Appellate Case No. 2024-001734

Appellant Olga Teslenko, appearing pro se and in compliance with **this Court's Order dated November 26, 2025**, hereby submits the following physical copies of her original trial paper exhibits and flashdrive, which she filed with the circuit court on July 22, 2024 to correct the omissions in the magistrate's return.

This filing is in compliance with this Court's Order, which granted Appellant's August 28th Motion for the alternative relief.

The enclosed exhibits are true copies of Appellant's trial paper exhibits and flashdrive, admitted into evidence at trial on March 27, 2024, and subsequently filed with the circuit court

on July 22, 2024, according to the given instruction. According to that instruction, they were filed unnumbered at the circuit court.

In accordance with court rules, these exhibits are now numbered with a tag affixed to each exhibit. This way, each exhibit is an exact match to the docketed circuit court scan, only legible.

Exhibit 1 is included as part of the circuit court filing:

1. Exhibit 1 – Letter filing Exhibits Omitted in Lower Court’s Return, 7/22/2024 (1 page);
2. Exhibit 2 – PLAINTIFF’S STATEMENT, filed at trial (5 pages);
3. Exhibit 3 – RESILIENT FLOORING STANDARDS, Excerpted Chapter (7 pages).
4. Exhibit 4 – INSPECTION REPORT (2 pages);
5. Exhibit 5 – INSPECTION PHOTOGRAPHS (45 pages);
6. Exhibit 6 – SHAW FLOORS: What to Expect and How to Prepare (1 page);
7. Exhibit 7 – All Instructions, summation document (3 pages);
8. Exhibit 8 – SHAW FLOORS: Installation Guidelines for Resilient Direct Glue (7 pages);
9. Exhibit 9 – SHAW 200 TPS Adhesive Specification (5 pages);
10. Exhibit 10 – SHAW 200 bucket label, photograph (1 page);
11. Exhibit 11 – SHAW 200 Recommended Trowels, photograph (1 page);
12. Exhibit 12 – SHAW 200 Installation, Roll and Cross Roll, photograph (1 page);
13. Exhibit 13 – Gmail: Bullying, Misrepresenting, printout (3 pages);
14. Exhibit 14 – NFCA Reference Manual, Concrete Preparation, photograph (1 page);
15. Exhibit 15 – NFCA Reference Manual, Inadequate Transfer, photograph (1 page);
16. Exhibit 16 – PLAINTIFF’S FLASHDRIVE (physical flashdrive);

Enclosed please find:

1. 84 pages of Appellant's original trial paper exhibits.
2. Appellant's original trial flashdrive.

The **Certificate of Service** of these exhibits on Respondent is included after this letter.

Thank you for your attention to this matter,

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: December 2, 2025

EXHIBIT
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

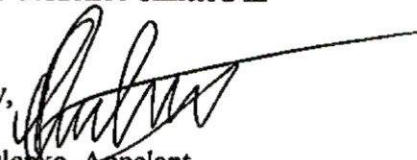
FILED
HORRY COUNTY
2024 JUL 22 P 2:16
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

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

Civil Case #: 2023CV261093695

Olga Teslenko's Statement.

Your Honor, a flooring contractor, Mr. Joe Kocsis, who I paid \$3400 to install direct glue vinyl plank flooring in two rooms in my condo, did not carry out his contract (please see **Folder #1** for contract and payments).

I am aware of the South Carolina law which provides the contractor with the Right to Cure a defect. However, this is not a situation of a construction defect. On November 9, 2023, Mr. Kocsis violated all of the industry requirements for the installation of direct glue LVP flooring, and thus failed to carry out his contract. Nearly all of the planks Mr. Kocsis layed on the concrete slab in my condo, have lifted off within the first ten days after the installation. Please see **Folder #2** for my date-stamped pictures and videos, as well as the videos from the NFCA Reference Manual showing a failed bond test and a passed bond test, for comparison. I informed Mr. Kocsis of these problems, and on November 16, a week after his installation, he came to inspect it. During his inspection, Mr. Kocsis said that "this is normal", and admitted that they didn't prepare the concrete subfloor. Please see **Folder #3** for my date-stamped pictures of the concrete slab before and after the installation, as well as a photo from the NFCA Reference manual showing a properly prepared concrete slab, for comparison. During his inspection, Mr. Kocsis admitted that they did not roll the installation, which is one of the most crucial manufacturer's requirements, and finally agreed to return my money. Please see **Folder #4** for the audio record of Mr. Kocsis' inspection and admissions. The following day Mr. Kocsis changed his mind and tried to intimidate me into accepting his installation and into dealing with strange unknown people. I consulted the South Carolina Residential Construction Standards for Resilient Flooring, please see **Folder #5** for SC Residential Construction Standards, which are also included in your printed package. I also downloaded Shaw installation instructions, please see **Folder #6** for Shaw installation instructions, adhesive specifications, and material specifications, which are combined in a single document **All Instructions** and included in your printed package. Both the SC Residential Construction Standards and the manufacturer's instructions confirmed that this is not a defect but a complete material breach of contract. The SC Residential Construction Standards define loosening of the resilient flooring to be a defect **only** if it occurs after the normal

warranty period of one year: **"Resilient flooring should not loosen during the normal warranty period"**. As you can see in my date-stamped photos and videos, these planks not only loosened but came off (please see Folder #1 again). Normally, a bonded vinyl plank will not come off easily or in one piece if bonded properly, please see the Bond Test videos in **Folder #7** taken from the NFCA Reference Manual. I therefore filed a complaint with the South Carolina department of LLR, it is included in **Folder #8 on your flash drive**, and hired an independent flooring inspector, recommended by the manufacturer and certified by FCITS (**Folder #9**). The Shaw-recommended, FCITS-certified independent inspector found that **"all the problems at this jobsite indicate a failure to comply to the installation guidelines as required by the manufacturer. All the problems inspected are jobsite and installation related issues. The installers did not follow the required protocol and guidelines set forth by the manufacturers"**. The complete inspection report is included in **Folder #9 on your flash drive** as well as printed in full and included in your printed package.

In addition, there was a strong smell of marijuana present on the day of the installation in my family room. This, and some other evidence discovered later (enclosed in **Folder 10**), suggested that Mr. Kocsis acted in bad faith from the beginning and his negligence was intentional. The fact remains that all of the area described in his offer **E176** has not been installed, as is confirmed by the independent inspection. I ask that Mr. Kocsis return the money I paid him for this failed installation and the money I paid to hire an independent inspector, \$3830 in total, as soon as possible. I am disabled, my disability benefit is small, I need to recover this money in order to install flooring properly on the bare slab in my condo.

Let me elaborate.

In October of last year, I collected bids to install glue-down LVP flooring, manufactured by Shaw, in two rooms in my condo. Half of my condo was already done in this same vinyl plank installed the same way (direct glue-down) several years ago by the previous owners. So I saved up enough money, and called several flooring contractors requesting bids to install the same model flooring in the rest of my condo. On 10/31, Mr. Joe Kocsis came to my home and presented himself the owner of Carpet King and Flooring. He conducted the necessary measurements and discussed with me my need to install this

flooring correctly. He assured me he has the expertise, and the following day emailed me his offer #E176 for this LVP glue-down installation. I enclose here the Shaw Floors **"Installation Guidelines for Residential Resilient Direct Glue"** installation method to show what is defined as LVP glue-down installation. Please see the All-Instructions document in folder #6 for this definition. I accepted to Mr. Kocsis' offer, and asked Mr. Kocsis if it needed to be signed. He said he only needed my first payment, and the following day I delivered to Carpet King and Flooring my first payment of \$1700.

On the day of the installation, on November 9 of last year, the LVP material was brought in at noon and installed immediately. At the end of the day Mr. Kocsis reported the installation to have been completed, and requested that I write out my second check to his name personally, which I did. Mr. Kocsis said he will come by the following day to install the end cap for the sliding door, which in his words was the only remaining part of the contract. The following day he reported ill and requested a week to get better. During that week all of the planks in my family room started to peel and lift off, as well as most of the planks in my master bedroom. I tripped over them, they squelched under foot, or they gaped in sight. I reported these problems to Mr. Kocsis, who came to inspect them on November 16, a week after the installation. Mr. Kocsis came bearing an end cap for the sliding door which he said needed to be installed to completely finish the contract. In **Folder 4 on your flash drive** I enclose a complete audio record of his inspection. with short characteristic segments copied for convenience. During his inspection, Mr. Kocsis said that the peeling and lifting was the adhesive's fault, or that it was due to the old carpet glue which was on the subfloor, that this is normal and an easy fix, **and that they can patch up the peeling spots, and they may need to bring a roller this time**, which they didn't have before, but it looks like it would help, and if I insist they would even bring a straightedge, but that I shouldn't look for more peeling planks or collect them. I disagreed on all counts, pointing out that it looks like too little glue was used for this installation area because nearly every plank is peeling fully off. Then Mr. Kocsis admitted he is not the owner of Carpet King & Flooring, and asked if I would please give him a second chance. I explained that I am not in the position to give second chances, and requested that he return my money. Mr. Kocsis agreed to return my money. We agreed. However later that day, Mr. Kocsis sent me a text in which he again asked for the opportunity to "fix this". In the following few days, most planks lifted off with no glue on the back, while some planks had faint trowel marks

which showed to be half of the required size and not rolled, yet other planks showed patches of old paint or old glue. I researched, and discovered that the concrete subfloor in my condo was not prepared to the Shaw instructions, that the wrong trowel size was used, which dispersed too little glue, and that the installed planks were not rolled, as required by the installation instructions. All of this failed to create adhesive transfer to the back of the planks. Since none of the installation has been done according to the industry guidelines and Shaw instructions, I refused to give Mr. Kocsis a second chance. This was a case of a completely breached installation, not a defect. I also understood that Mr. Kocsis knowingly acted in bad-faith from the beginning. I filed a complaint with the SC department of LLR, and filed a claim with this court. I sought the manufacturer's instructions and contacted Shaw customer support to obtain clarifications. Finally, I hired a Shaw-recommended FCITS-certified flooring inspector to conduct an independent inspection.

The inspection found the following:

All the problems at this jobsite indicate a failure to comply to the installation guidelines as required by the manufacturer. All the problems inspected are jobsite and installation related issues. **The installers did not follow the required protocol and guidelines set forth by the manufacturers.**

The substrate was not smooth, clean, and free from all foreign materials such as dust, old adhesive, old paint, etc. The porous and cracked concrete sub floor has absorbed the glue and the subfloor was not properly prepared for the luxury vinyl plank.

The sub floor has depressions, dips, and valleys over 5/16" in a 6' radius. Pictures indicate the major floor deviations and dips that needed to be corrected prior to the install. All the perimeter tackstrip holes, cracks, and deviations were not appropriately patched, prepared, or primed.

No bond testing was performed. Set a minimum of three planks in the adhesive overnight. If the planks are stuck, or the plank has adhesive transfer onto the back, this indicates a good bond.

Flooring material and adhesive must be acclimated to the installation area for a minimum of 48 hours prior to installation.

Substrate porosity was not determined. Wrong size trowel was used. The installers did not determine the porosity of the concrete subfloor and used the wrong trowel size in one room. The water drop test indicates this is a porous substrate. Vinyl tile and plank to be installed over a porous substrate require a 1/16" sq. notch trowel. This installer used a 1/32" trowel in the family room. This led to insufficient adhesive transfer to the backs of the planks.

This installation was not rolled. The trowel or glue did not appear pressed or smudged which would indicate that the products were not rolled with a 100lbs. roller to create transfer, as required by the manufacturer's instructions. After the installation of floor covering, roll floor covering with a 75-100lbs. roller. These installers did not roll the installed floor covering with a required roller. The installed planks did not have glue transfer on the back. **The planks in the full length of the install were lifting and peeling up. The edges are continuously lifting throughout the installed areas and creating a severe tripping hazard.**

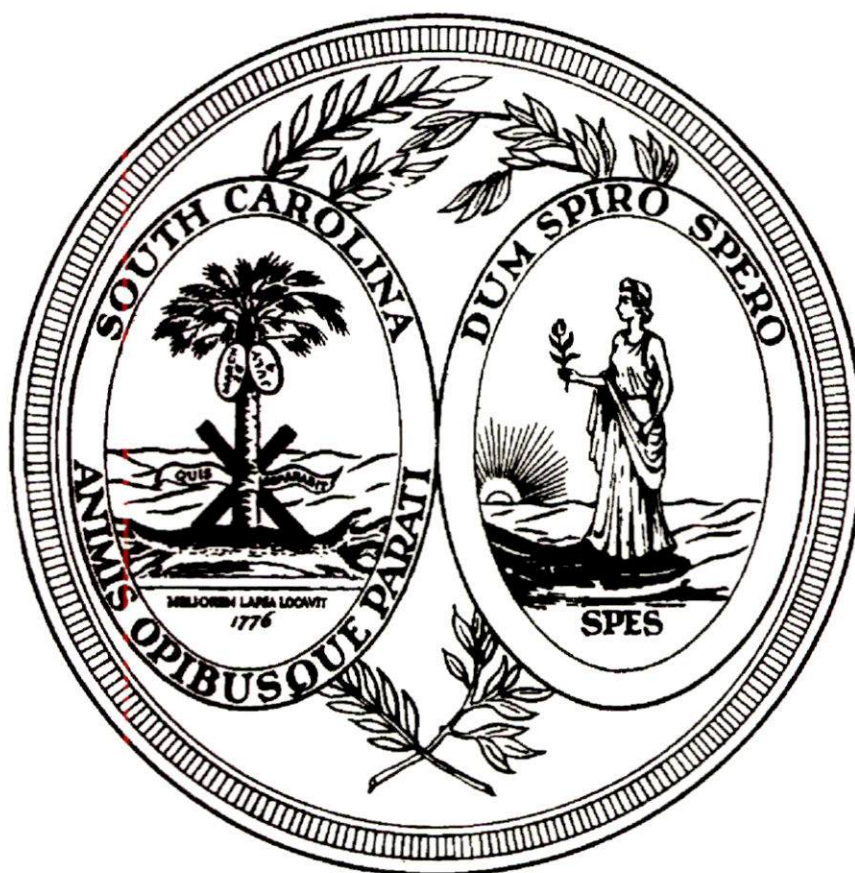
The previously installed vinyl planks in the foyer were glued down using a 1/16" trowel, and rolled, and these planks are not peeling or lifting.

I have provided this court with several physical vinyl planks which were used in that installation, and which contain some traces of old paint, or wrong trowel marks, which can be ascertained with the two trowels included.

I have a neurological disability which makes it impossible for me to earn money now. I can only save money month to month but my disability pension is very small. I must recover the money I paid Mr. Kocsis in order to install flooring properly in my condo. Your Honor, I am asking not only for the \$3400 I paid Mr. Kocsis, but also for the \$430 inspection fee, and I am asking you to include provisions for this money to be repaid promptly and definitely.

Thank you very much for your time and consideration,
Olga Teslenko

South Carolina Residential Construction Standards



The Residential Builders Commission of the South Carolina Department of Labor, Licensing and Regulation adopted the Residential Standards as the Guidelines by which all investigations shall be conducted, as approved July 26, 1995 and revised October 29, 1997.

Adopted by the Commission on February 18, 1998.

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RESILIENT FLOORING STANDARDS

Background

Resilient flooring includes inlaid, roto-vinyl, seamless sheet vinyl, and resilient vinyl composition tile.

All resilient flooring is subject to normal manufacturing tolerances and most particularly to dye lot variation affecting color, texture, and pattern. From time to time, patterns are taken off the market, which makes it impossible to exactly duplicate a material when none is available. The most common problem occurring when partial replacement is called for in repair is the inability to match closely in color due to variation from dye lot to dye lot. In the replacement or correction of resilient flooring, the owner must be prepared to accept a variation in dye lot, when the pattern is still in existence and is cautioned that a seam may show. When a repair is made, the smallest possible area should be repaired. Although the builder will attempt to match colors as closely as possible, the owner should note that the wax or vinyl dressing build-up on the existing areas, light variations, atmospheric conditions and other chemical reactions will produce a color variation, even within within the same dye lot. The owner can minimize this variation by removing any build-up and thoroughly cleaning the floor according to the flooring manufacturer's recommendations. Likewise, the color variations will become less noticeable with subsequent dressings and use of the floor.

The nature of resilient flooring makes possible permanent deformation of the surface when subject to high loads which can be exerted by furniture with improper floor protectors or no protectors at all. Manufacturer recommended protectors are a necessity. The protectors must rest flat on the floor, not at an angle. The maximum surface load per square inch must not exceed 75lbs. Narrow tipped or stiletto high heels will damage vinyl tile and all sheet vinyl flooring and would not be the builder's responsibility for repair. Because of this and the wear and tear caused by normal use of resilient flooring, no reasonable repair can be expected to restore perfectly the resilient flooring to a new, unused condition.

Resilient flooring is a manufactured product bought as a finished product, either in the form of squares or sheet goods, which is applied by the appropriate trade, predominantly with mastic directly over the surface prepared to accept it.

1. Common Defect or Problem

Nail pops appear on the surface of resilient flooring.

Performance Standard

All nail pops should be repaired.

Builder Repair Responsibility

Correct all nail pops which have not broken the surface of the goods by driving the nails back into place. Replace any areas where the nail pop has broken the surface. Replace sheet goods in the minimum area where the joint will not be readily noticeable where the nail pop broke the surface.

2. Common Defect or Problem

Seams or ridges appear in the resilient flooring due to subfloor irregularities.

Performance Standard

In the natural settling and shrinkage process, some mismatch of the subfloor may exhibit and mirror itself as ridges or depressions showing on the surface goods. This can be minimized by the customer in his selection of an embossed pattern in a darker color. In particular, lighter solid colors and/or smooth vinyl surfaces mirror any minor variations of the subsurfaces to which they are applied and emphasize this ridging. If the ridge or depression effect exceeds 1/8 " and cannot be corrected from below, the resilient floor must be corrected. The ridge measurements should be made by measuring the gap created when a 6" straight edge is placed tightly 3" on each side of the defect and the gap measured between the floor and the straight edge at the other end.

Builder Repair Responsibility

If ridge exceeds standard, builder to remove the sheet goods in the minimum area where the joint will not be readily visible when repaired, renail the subflooring, sand smooth and/or fill gap and replace the sheet goods. Owner should note that there may be a mismatch in materials due to time difference or dye lot variations. If the material is unavailable due to discontinuation, unless the owner will accept a repair with as closely matching materials as is currently available or correction by some other means, builder should credit the owner 1 ½ times the cost to repair if the material were available. This would be 1 ½ times the minimum service charge, plus the additional hourly labor charge and material cost need to make the repair.

3. Common Defect or Problem

Resilient flooring lifts, bubbles, or becomes unglued at joint.

Performance Standard

Resilient flooring should not loosen during the normal warranty period unless caused by the owner's negligence or excessive use of water.

Builder Repair Responsibility

Providing edges are still intact, resecure the material. If not replace the minimum area as per standard #2.

4. Common Defect or Problem

Shrinkage gaps show in resilient flooring

Performance Standard

Gaps shall not exceed 1/16" in width in vinyl to vinyl joints. However, where dissimilar materials abutt, larger gaps may appear.

Builder Repair Responsibility

Correct to meet standard.

5. Common Defect or Problem

Flooring discoloration.

Performance Standard

Certain conditions and substance such as heat, oil, fertilizers, asphalt from driveways and driveway sealers with an asphalt or coal tar base, and some carpet dyes can cause permanent stains especially in traffic areas. The owners are also cautioned that the use of certain latex or rubber back throw rugs can cause discoloration of the resilient flooring due to a chemical reaction that occurs.

Builder Repair Responsibility

This is not a manufacturing defect nor the builder's responsibility, but is the owner's responsibility to protect these areas with doormats or proper rugs at each entrance. There are certain instances in which discoloration may be warranted by the manufacturer. Owner should contact the manufacturer for a determination under their warranty.

6. Common Defect or Problem

Fading of color of resilient flooring.

Performance Standard

Exposures to excessive direct sunlight through glass sliding doors, for example, can cause fading or discoloration.

Builder Repair Responsibility

This is not a manufacturing defect nor the builder's responsibility, but is the owner's responsibility to protect these areas by the use of drapes or blinds during times of direct sunlight exposure. Resilient flooring is no different in this instance than any drapes, furniture or carpeting in the home.

7. Common Defect or Problem

Heel marks, burns, scratches, scuffs and indentations on resilient flooring.

Performance Standard

All of the above items are caused by the owner use and abuse.

Builder Repair Responsibility

None, unless problems are relayed to the builder in writing prior to occupancy or noted during walk-through. If builder is notified prior to occupancy or at walk-through, it is builder's responsibility to repair. If it occurs after that time, it is the responsibility of the homeowner.

8. Common Defect or Problem

Wear on surface or loss of sheen on resilient flooring.

Performance Standard

Depending on the type of product, owner to refer to manufacturer's warranty.

Performance Standard

Builder Repair Responsibility

None

9. Common Defect or Problem

Floors squeak

Performance Standard

Floor squeaks are common to new construction and a squeak-proof cannot be guaranteed.

Builder Repair Responsibility

Builder should try to minimize the floor squeaks and must correct if caused by a construction defect. It should be noted that second floor repair would be surface nailing in carpeted areas and impossible in vinyl and ceramic areas.

EXHIBIT

4



Tony Jones Flooring Inspections

142 Benjamin Horne Ln.

Richlands, NC 28574

Phone: (910) 340-5898

Email: tony_jones04@yahoo.com

Date: 01/29/2024

Manufacturer: SHAW INDUSTRIES INC.

Dealer: _____ Phone #: _____

Consumer: OLGA TESLENKO Phone #: (510) 388-2780

Address: 100 FOUNTAIN POINTE LANE, UNIT 103

City: MYRTLE BEACH State: S.C. Zip: 29579

Claim #: 012924 Install Date: 11/09/2023

Type: _____ Style #: PRIME PLANK Color #: 00717
LVP

Face Content: _____ Yards Installed: 525 SQ. FT.

Facility: RESIDENTIAL HOME

Method: DIRECT GLUE DOWN

Heat/Air Type: CENTRAL FORCED AIR

No. of Adults: ONE No. of Children: NONE

Complaint: PEELING PLANKS, BUBBLES, AND LIFTING

This Prime Plank flooring was installed on November 9th, 2023, in a residential home with a concrete slab foundation. The product under inspection is a glue down 7" x 48" x 2mm luxury vinyl plank color: tattered barnboard. The installation took place in the family room, master bedroom, and two closets of this residence, which is in Myrtle Beach, South Carolina. Ms. Teslenko was present during this inspection on Friday morning at 10:30a.m., February 2nd, 2024.

The customer is concerned that the industry guidelines were not followed and now the planks are peeling, bubbling, and lifting off the substrate. The porous and cracked concrete sub floor has absorbed the glue and the subfloor was not properly prepared for the luxury vinyl tile (picture 1, 2, & 3). The full length of the install was thirty-two feet and three inches, and the planks installed in this area were lifting and peeling up (picture 4, 5, & 6). A non-invasive Floor Dot meter found excessively high moisture above 15% (picture 7). The air temperature was 65.3F with 42.7% humidity (picture 8). The floor temperature was 62.2F in the shaded areas of the living room (picture 9). The air temperature was 64.9F with 43% humidity in another section of the room (picture 10). A non-invasive Wagner meter found excessive moisture of 15.4% in the family room (picture 11). The floor temperature was 62.9F in the direct light of the bedroom (picture 12). The edges are continuously lifting throughout the installed areas and creating a severe tripping hazard (picture 13, 14, 15, & 16). The butt end joints are gapped 1/16" in the family room and master bedroom (picture 17, 18, & 19). The sub floor has depressions, dips, and valleys over 3/16" in a 6' radius (picture 20 & 21). The installed planks did not have glue transfer on the back (picture 22). The non-invasive Wagner meter found excessive moisture of 16.7% in the front corner of the family room (picture 23). Pictures indicate the major floor deviations and dips over 5/16" on the perimeter that needed to be corrected prior to the install (picture 24, 25, 26, 27, 28, & 29). The previously installed vinyl planks in the foyer were glued down using a 1/16" x 1/16" trowel and these planks are not pulling or lifting (picture 30). The recently installed planks in the family room were glued down with a 1/32" x 1/32" trowel (picture 31) and the master bedroom planks were glued down with a 1/16" x 1/16" trowel (picture 41). The substrate was not smooth, clean, and free from all foreign materials such as dust, old adhesive, etc. (picture 32 & 33). The trowel or glue did not appear

pressed or smudged which would indicate that the products were not rolled with a 75-100lbs. roller to create transfer (picture 34, 35, & 36). The box label indicates this is item: V061600717—VE180 (picture 37). All the perimeter tackstrip holes, cracks, and deviations were not appropriately patched, prepared, or primed (picture 38, 39, 40, and 41). All the problems at this jobsite indicate a failure to comply to the installation guidelines as required by the manufacturer (picture 42, 43, 44). The water drop test indicates this is a porous substrate (picture 45).

CONCLUSION:

No manufacturer related problems were found at the time of inspection. All the problems inspected are jobsite and installation related issues. The retailer/installers did not follow the required protocol and guidelines set forth by the manufactures. The following procedures were not followed:

All substrates to receive moisture sensitive floor must be tested for moisture. All concrete substrates should be tested for IRH (Internal Relative Humidity). If the IRH is too high this can lead to mold, mildew, and other environmental issues. If the IRH is excessive then the concrete substrate should be sealed with an epoxy sealer.


All substrates shall be smooth, structurally sound, permanently dry, clean, and free of all foreign material such as old adhesive residue, etc. As seen in the previous pictures the substrate was not clean.

All concrete floors shall be flat and smooth within 1/8" in 6 feet. The use of cementitious patching and leveling compounds is required to fill in low depressions, dips, and cracks. All high spots shall be grinded down.

Perform bond testing to determine compatibility of adhesive to the substrate. Set a minimum of three planks in the adhesive overnight. If the planks are stuck, or the plank has adhesive transfer onto the back this indicates a good bond.

Porosity—water drop test will help determine porosity of the concrete. Knowing the porosity of the substrate will determine the how much glue and what size trowel to use. It is the flooring installer's responsibility to make sure these tests have been conducted, and that the results are acceptable prior to installing the floor covering. Flooring material and adhesive must be acclimated to the installation area for a minimum of 48 hours prior to installation. Vinyl tile and plank to be installed over a porous substrate require a 1/16" x 1/16" x 1/16" sq. notch trowel. After the installation of floor covering, roll floor covering with a 75-100lbs. roller.

CCIA Member:



Inspection Agency:

F.C.I.T.S.

Picture 1: Porous and cracked subfloor absorbed glue



Picture 2: Porous and cracked subfloor absorbed glue



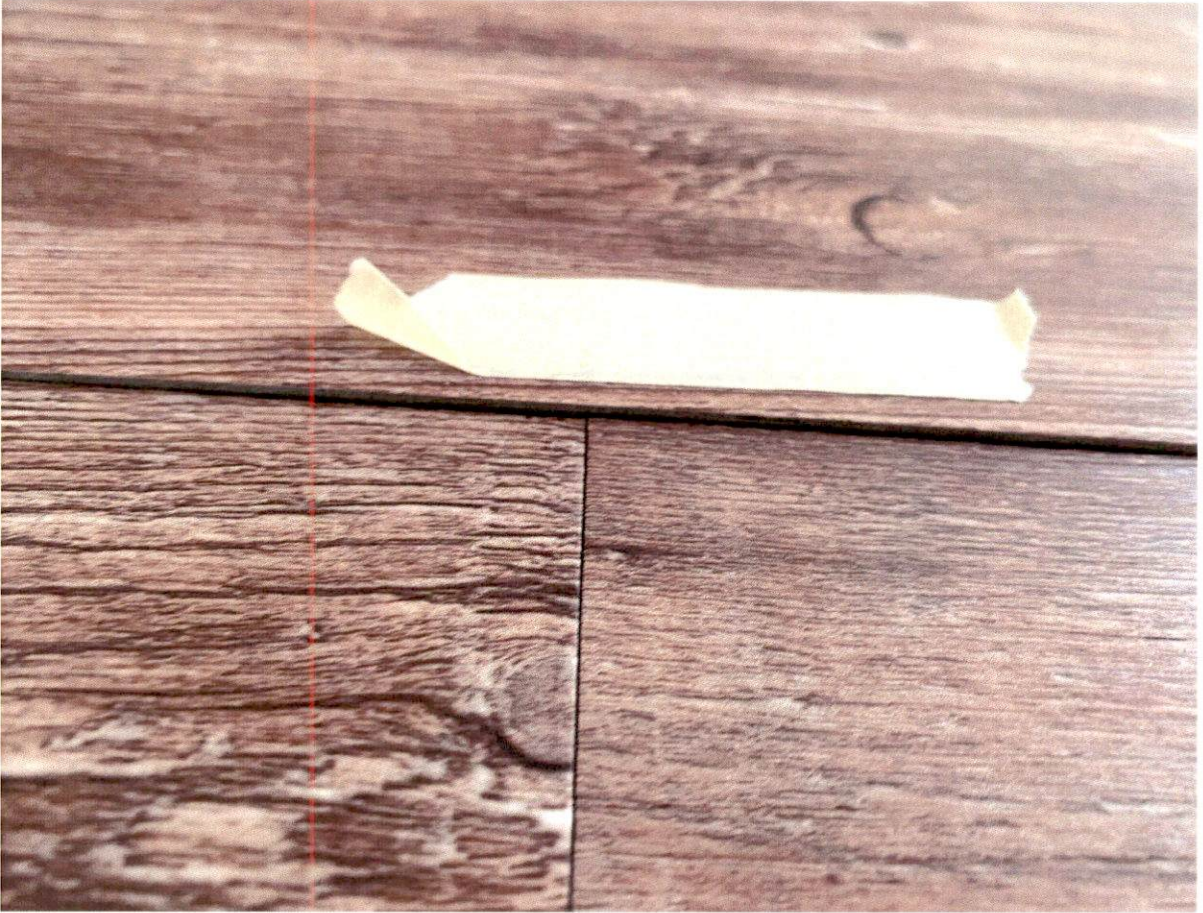
Picture 3: Porous and cracked subfloor absorbed glue



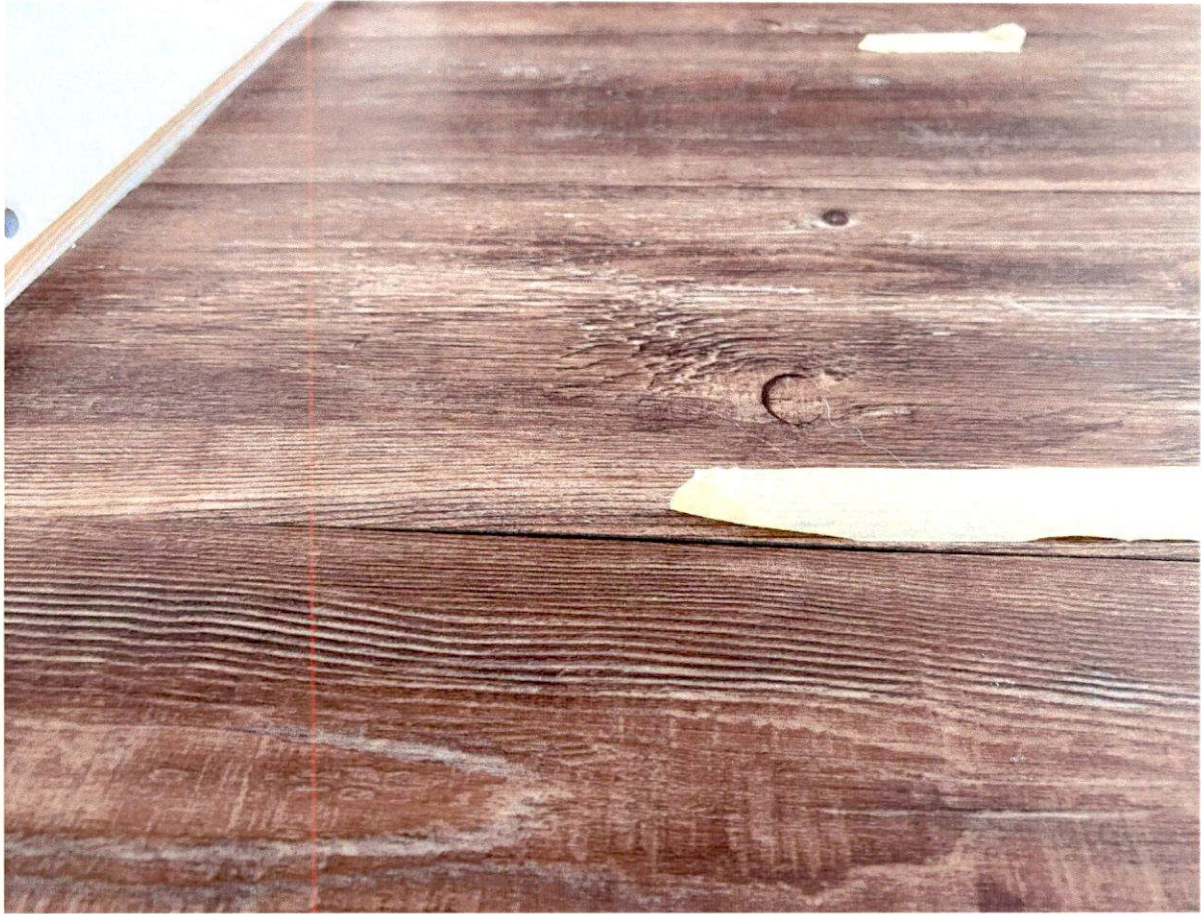
Picture 4: Lifting and peeling planks



Picture 5: Lifting and peeling planks



Picture 6: Lifting and peeling planks



Picture 7: Family room: subfloor moisture



Picture 8: Family room: air temperature and humidity



Picture 9: Family room: floor temperature



Picture 10: Master bedroom: air temperature and humidity



Picture 11: Family room: subfloor moisture



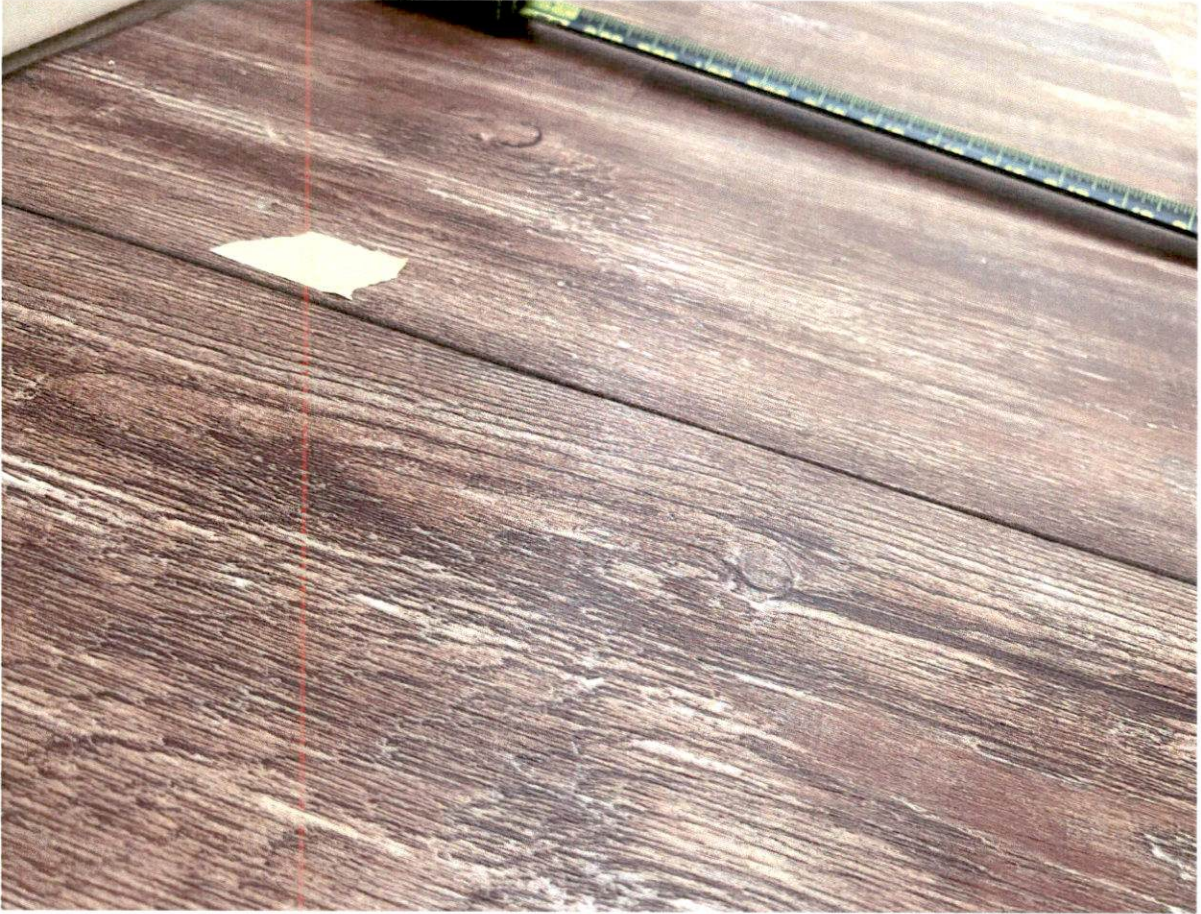
Picture 12: Master bedroom: floor temperature



Picture 13: Continuously lifting throughout, severe tripping hazard



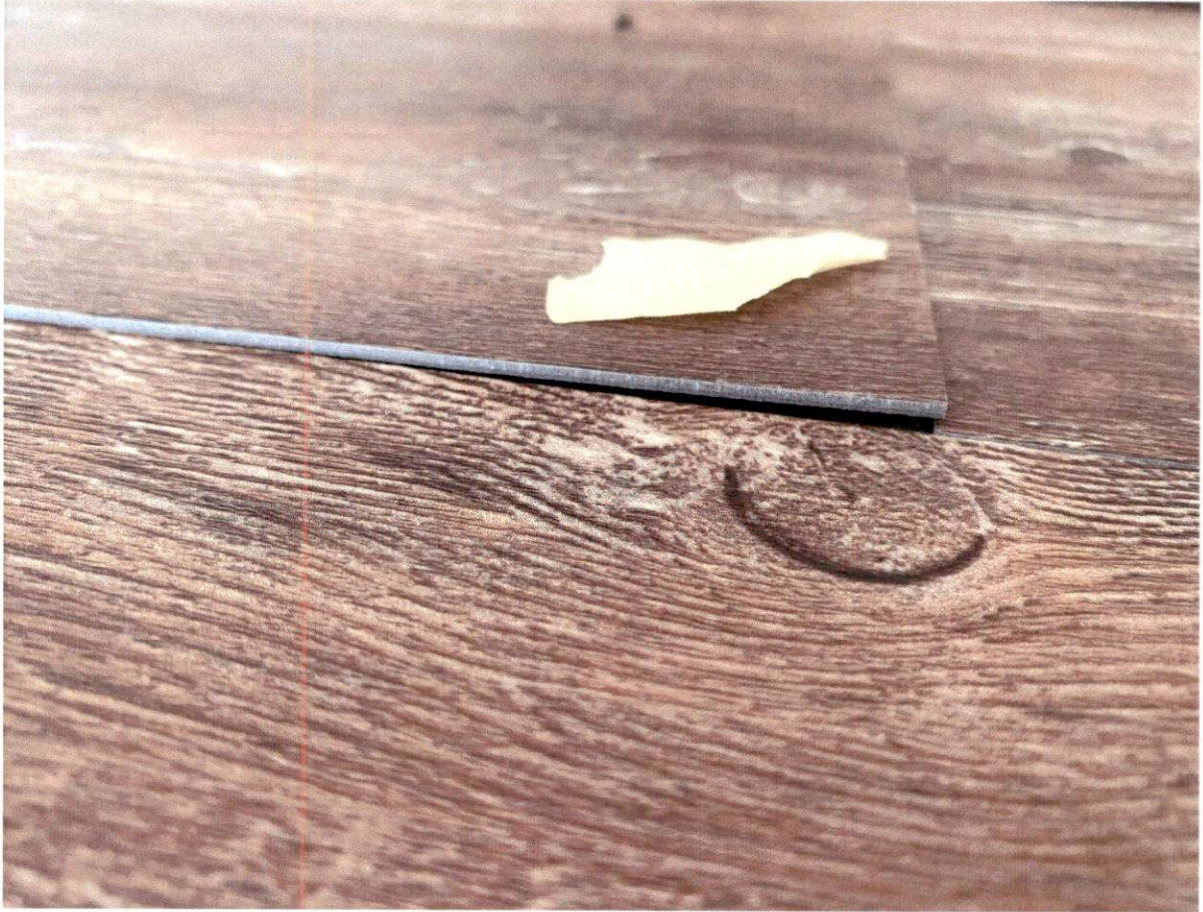
Picture 14: Continuously lifting throughout, severe tripping hazard



Picture 15: Continuously lifting throughout, severe tripping hazard



Picture 16: Continuously lifting throughout, severe tripping hazard



Picture 17: Butt-end joints gapped 1/16", not filled with adhesive



Picture 18: Butt-end joints gapped 1/16", not filled with adhesive



Picture 19: Butt-end joints gapped 1/16", not filled with adhesive



Picture 20: Subfloor not prepped: major deviations



Picture 21: Subfloor not prepped: major deviations



Picture 22: Insufficient glue transfer to back of planks



Picture 23: Excessive moisture in front corner of family room



Picture 24: Sub-floor not prepped: major deviations



Picture 25: Sub-floor not prepped: major deviations



Picture 26: Sub-floor not prepped: major deviations not filled, old paint not removed



Picture 27: Sub-floor not prepped: major deviations not filled, old paint not removed



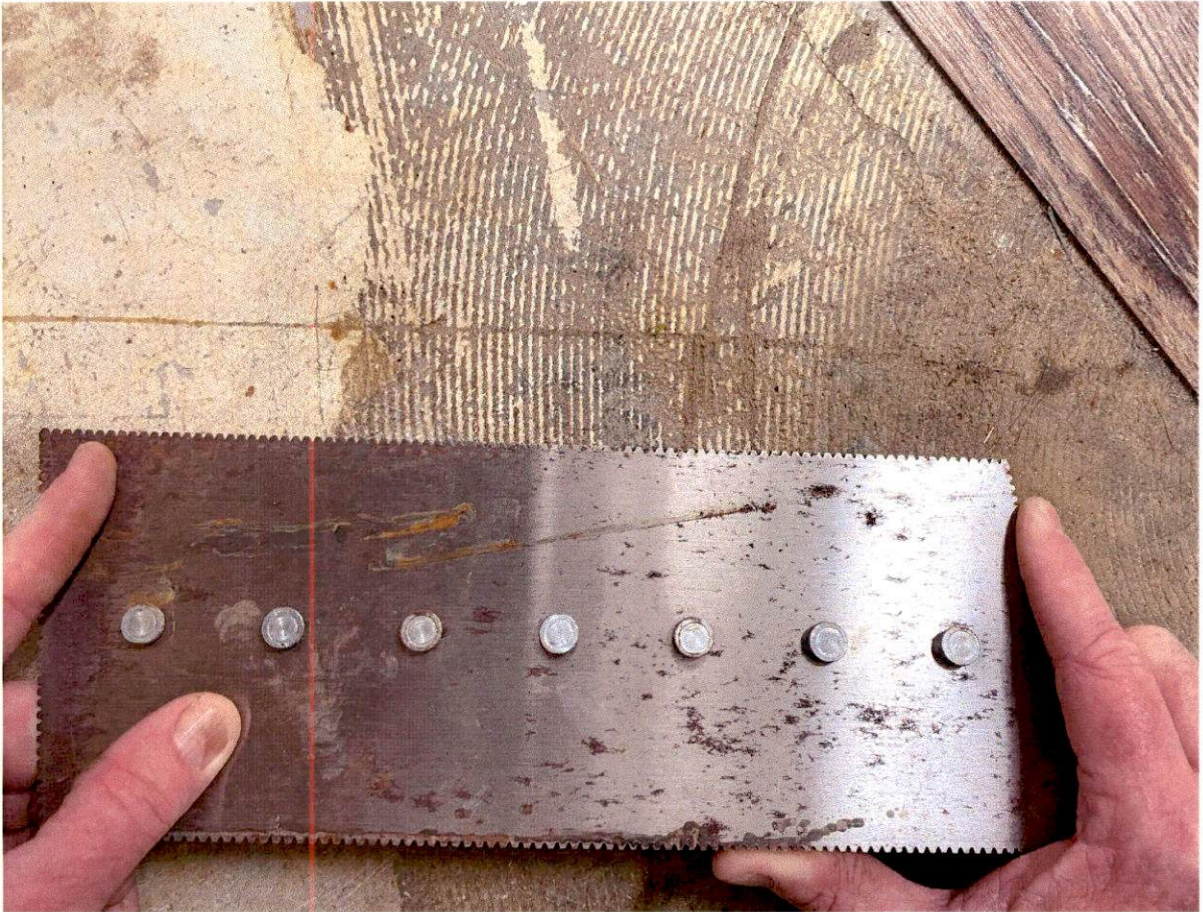
Picture 28: Sub-floor not prepped: major deviations not filled, old paint not removed



Picture 29: Sub-floor not prepped: major deviations not filled, old paint not removed



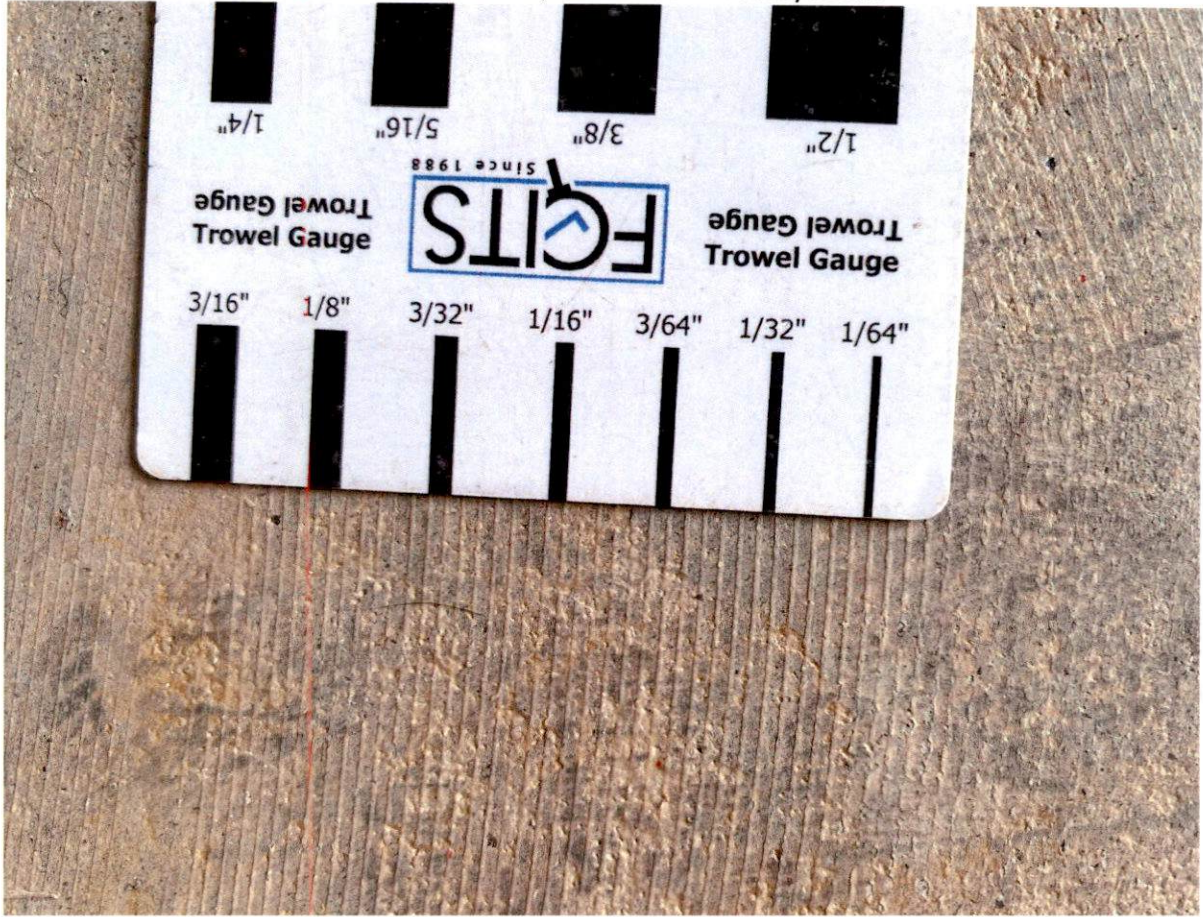
Picture 30: The old installation (on right) : 1/16" x 1/16" trowel



Picture 31: The old installation: 1/16" x 1/16" trowel



Picture 32: The new installation: 1/32" x 1/32" trowel in Family room



Picture 33: Substrate not smooth, free of old paint and old adhesive. Products not rolled with a roller to create transfer

