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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

FEB 05 2016

The Honorable Tanya A. Gee, Circuit Court Judge

SC Court of Appeals

Lower Court Case No. 2014-CP-40-007229
Court of Appeals Case No. 2015-002584

GROUP III MANAGEMENT, INC.,

Respondent,

v.

SUNCRETE OF CAROLINA, INC., d/b/a
CRYSTAL POOLS,

Appellant.

**APPELLANT'S MOTION REQUESTING PERMISSION TO ORDER LATE
TRANSCRIPT**

NOW COMES the Appellant, Suncrete of Carolina, Inc., d/b/a Crystal Pools, by and through its undersigned counsel, and pursuant to Rule 263(b) and 207 of the South Carolina Appellate Court Rules, respectfully hereby moves this Honorable Court for permission to order the late transcript of the lower Court hearing pertaining to the Order Granting Group III Mgt., Inc.'s Motion to Alter or Amend Judgment Pursuant to Rule 59(e) S.C.R.C.P. and Granting Group III's Motion to Confirm Arbitration Award filed on November 12, 2015, which is the issue at hand concerning the Appellant's appeal.

Subsequent to the filing of the Appellant's Notice of Appeal, the aforementioned transcript was ordered on January 4, 2016 (**See Exhibit A**). Following up the original request, the court reporter, Stacy S. Johnson, was then contacted on January 26, 2016, as

no response had been received regarding the delivery of the transcript. Ms. Johnson indicated on said date that she did not recall receiving the January 4, 2016 letter, stating "but I may very well have overlooked it after the holidays". Ms. Johnson also declared "It looks to be approximately 25 pages in length. I will get started on it as soon as I can, but I am under several appellate deadlines at the moment". Ultimately, a February 26, 2016, date was given as a delivery/completion date of the transcript (**See Exhibit B**). As such, the Appellant requests an additional thirty (30) days to order the late transcript of the lower court as describe above.

WHEREFORE, the Appellant, Suncrete of Carolina, Inc., d/b/a Crystal Pools, respectfully moves this Honorable Court for permission to order the late transcript of the lower Court hearing pertaining to the Order Granting Group III Mgt., Inc.'s Motion to Alter or Amend Judgment Pursuant to Rule 59(e) S.C.R.C.P. and Granting Group III's Motion to Confirm Arbitration Award filed on November 12, 2015.

Respectfully submitted,



Alan R. Belcher, Jr., Esquire, Bar No. 71686
Elizabeth F. Wieters, Esquire, Bar No. 78064
40 Calhoun Street, Suite 550
Charleston, South Carolina 29401
Telephone: (843) 720-3460
*Attorneys for Appellant, Suncrete Of Carolina,
Inc., d/b/a Crystal Pools*

Dated: February 2, 2016

OTHER COUNSEL OF RECORD:

John C. Bruton, Jr., Esquire
Haynsworth Sinkler Boyd, P.A.
1201 Main Street, Suite 2200
Post Office Box 11889 (2911-1889)
Columbia, South Carolina 29201
(803) 779-3080

Everette L. Wooten, Jr., Esquire
Wooten and Coley
P.O. Box 1555
Kinston, North Carolina 28503
(252) 523-8000
Attorneys for Respondent

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
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The Honorable Tanya A. Gee, Circuit Court Judge

Lower Court Case No. 2014-CP-40-007229
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GROUP III MANAGEMENT, INC.,

Respondent,

v.

SUNCRETE OF CAROLINA, INC., d/b/a
CRYSTAL POOLS,

Appellant.

PROOF OF SERVICE

I certify that I have served the **Appellant's Motion Requesting Permission To Order Late Transcript** upon the Respondent by depositing a copy of same in the United States Mail, First Class postage prepaid, on February 2, 2016, addressed to Respondent's attorneys of record, addressed as follows:

John C. Bruton, Jr., Esquire
Haynsworth Sinkler Boyd, P.A.
1201 Main Street, Suite 2200
Post Office Box 11889 (2911-1889)
Columbia, South Carolina 29201

Everette L. Wooten, Jr., Esquire
Wooten and Coley
P.O. Box 1555
Kinston, North Carolina 28503

(Signature appears on succeeding page)



Alan R. Belcher, Jr., Esquire, Bar No. 71686

Elizabeth F. Wieters, Esquire, Bar No. 78064

40 Calhoun Street, Suite 550

Charleston, South Carolina 29401

Telephone: (843) 720-3460

Attorneys for Appellant, Suncrete Of Carolina,

Inc., d/b/a Crystal Pools

Dated: February 2, 2016

EXHIBIT A

H | B | S HALL BOOTH SMITH, P.C.

Alan Belcher | 40 Calhoun Street, Suite 550
P: (843) 720-3478 | Charleston, SC 29401
E: abelcher@hallboothsmith.com | W: www.hallboothsmith.com
P: (843) 720-3460 F: (843) 720-3479

January 4, 2016

VIA U.S. MAIL

Stacy S. Johnson
125 Firebridge Drive
Chapin, SC 29036

RE: Group III Management, Inc., v. Suncrete of Carolina, Inc., d/b/a Crystal Pools
Case No.: 2014-CP-40-07229

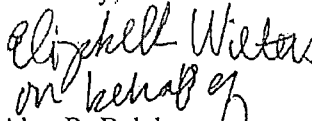
Dear Ms. Johnson:

On October 2, 2015, the above case was heard before the Honorable Tanya Gee, for hearing on the Plaintiff's Motion to Alter/Amend.. My records indicate that you were the court reporter for this case.

I request that you provide me with a transcript of the proceedings. Please transcribe the entire record.

Please let us know the cost for this transcript.

Sincerely,


on behalf of
Alan R. Belcher

/s/f

cc: The Honorable Jeanette W. McBride
John C. Bruton, Jr., Esq. (via U.S. Mail)
Everette L. Wooten, Jr., Esq. (via U.S. Mail)
Ali Felschow (via email alisonfelschow@gmail.com)

EXHIBIT B

H | B | S HALL BOOTH SMITH, P.C.

Alan Belcher | 40 Calhoun Street, Suite 550
P: (843) 720-3478 | Charleston, SC 29401
E: abelcher@hallboothsmith.com | W: www.hallboothsmith.com
P: (843) 720-3460 F: (843) 720-3479

January 27, 2016

VIA U.S. MAIL

The Honorable Jeanette W. McBride
Clerk of Court, Richland County
PO Box 2766
Columbia, SC 29202-2766

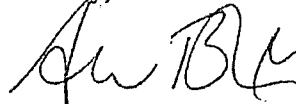
Re: Group III Management, Inc. v. Suncrete of Carolina, Inc., d/b/a Crystal Pools
Case No.: 2014-CP-40-007229
Court of Appeals Case No.: 2015-002584

Dear Ms. McBride:

Attached please find a copy of our communication with court reporter Stacy Johnson in regards to our request for the transcript in the above-referenced matter. We have extended the date for our request by 30 days, with a due date of February 26, 2016. We will keep the Clerk of Appeals apprised with our progress toward obtaining the transcript, and will submit our briefing schedule once the transcript has been received.

Thank you for your assistance in this matter. If you have any questions or concerns, please do not hesitate to contact our office.

Sincerely,



Alan Belcher

AB/slf

Enclosure

cc: John C. Bruton, Jr., Esq. (via U.S. Mail)
Everette L. Wooten, Jr., Esq. (via U.S. Mail)
The Honorable Jenny Abbott Kitchings (via U.S. Mail)
Ali Felschow (via email)

Shellie Fischer

From: Johnson, Stacy <sjohnson@sccourts.org>
Sent: Wednesday, January 27, 2016 10:59 AM
To: Shellie Fischer
Subject: RE: Group III Management v. Suncrete of Carolina [IWOV-chdms.FID5679]

Yes, I will make sure it is finished and in the mail by then. Do you still want a digital copy by e-mail?

Stacy S. Johnson, RPR
Circuit Court Reporter
11th Judicial Circuit at Large

From: Shellie Fischer <SFischer@hallboothsmith.com>
Sent: Wednesday, January 27, 2016 10:50 AM
To: Johnson, Stacy
Subject: RE: Group III Management v. Suncrete of Carolina [IWOV-chdms.FID5679]

Would Friday, February 26, 2016 work for you?

Sincerely,

Shellie Fischer
Legal Assistant
Hall Booth Smith, P.C.
40 Calhoun Street
Suite 550
Charleston, SC 29401
T: 843.720.3460
D: 843.720.3467 F: 843.720.3458
SFischer@hallboothsmith.com www.hallboothsmith.com

-----Original Message-----

From: Johnson, Stacy [mailto:sjohnson@sccourts.org]
Sent: Wednesday, January 27, 2016 10:48 AM
To: Shellie Fischer
Subject: RE: Group III Management v. Suncrete of Carolina [IWOV-chdms.FID5679]

Let me know the date you absolutely need it by and I will allow for mailing time. I usually work better with a specific due date.

Thank you.

Stacy S. Johnson, RPR
Circuit Court Reporter

11th Judicial Circuit at Large

From: Shellie Fischer <SFischer@hallboothsmith.com>
Sent: Wednesday, January 27, 2016 9:07 AM
To: Johnson, Stacy
Subject: RE: Group III Management v. Suncrete of Carolina [IWOV-chdms.FID5679]

Ms. Johnson,

Would it be possible to have the printed transcript within 30 days? If not, please let me know when you think you could have it available.

Thank you.

Sincerely,

Shellie Fischer
Legal Assistant
Hall Booth Smith, P.C.
40 Calhoun Street
Suite 550
Charleston, SC 29401
T: 843.720.3460
D: 843.720.3467 F: 843.720.3458
SFischer@hallboothsmith.com www.hallboothsmith.com

-----Original Message-----

From: Johnson, Stacy [mailto:sjohnson@sccourts.org]
Sent: Tuesday, January 26, 2016 11:38 AM
To: Shellie Fischer
Subject: RE: Group III Management v. Suncrete of Carolina [IWOV-chdms.FID5679]

I do not recall receiving the letter, but I may very well have overlooked it after the holidays.

It looks to be approximately 25 pages in length. I will get started on it as soon as I can, but I am under several appellate deadlines at the moment.

Please let me know the date you need it by and if you would like a digitally-signed pdf version or a printed transcript mailed via USPS.

Thank you.

Stacy S. Johnson, RPR
Circuit Court Reporter
11th Judicial Circuit at Large

From: Shellie Fischer <SFischer@hallboothsmith.com>
Sent: Tuesday, January 26, 2016 10:55 AM
To: Johnson, Stacy
Subject: Group III Management v. Suncrete of Carolina [IWOV-chdms.FID5679]

Good morning,

On January 4 we sent a letter to you requesting a copy of the transcript for the above-referenced matter (letter is attached). To date we have not received a response to this letter. Could you please verify that you did receive the letter, and give us an update as to the status of our request?

Thank you for your assistance in this matter.

Sincerely,

Shellie Fischer
Legal Assistant
Hall Booth Smith, P.C.
40 Calhoun Street
Suite 550
Charleston, SC 29401
T: 843.720.3460
D: 843.720.3467 F: 843.720.3458
SFischer@hallboothsmith.com<mailto:SFischer@hallboothsmith.com>
www.hallboothsmith.com<https://urldefense.proofpoint.com/v2/url?u=http-
3A__www.hallboothsmith.com_&d=CwMFAG&c=YGvVmrQQ6VQOFx3Z93C9uQ&r=jnvyQYxuicCjgNZBY29KaPJ8wuqmPaR
mWf3734PxHhc&m=WbR7fJZ7IPGMJRIykeOZT4jN98Ff0b7JQCK7BW960Uw&s=_VqBff2yL39hqFXGA6OWqF8h08d_ecyA
GL2qk_vULE0&e=>

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APPEAL FROM RICHLAND COUNTY  
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The Honorable Tanya A. Gee, Circuit Court Judge

Lower Court Case No. 2014-CP-40-007229  
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Respondent,

v.

SUNCRETE OF CAROLINA, INC., d/b/a  
CRYSTAL POOLS,

Appellant.

**PROOF OF SERVICE**

I certify that I have served the **Appellant's Motion Requesting Permission To Order Late Transcript** upon the Respondent by depositing a copy of same in the United States Mail, First Class postage prepaid, on February \_\_\_, 2016, addressed to Respondent's attorneys of record, addressed as follows:

John C. Bruton, Jr., Esquire  
Haynsworth Sinkler Boyd, P.A.  
1201 Main Street, Suite 2200  
Post Office Box 11889 (2911-1889)  
Columbia, South Carolina 29201

Everette L. Wooten, Jr., Esquire  
Wooten and Coley  
P.O. Box 1555  
Kinston, North Carolina 28503

*(Signature appears on succeeding page)*

---

Alan R. Belcher, Jr., Esquire, Bar No. 71686  
Elizabeth F. Wieters, Esquire, Bar No. 78064  
40 Calhoun Street, Suite 550  
Charleston, South Carolina 29401  
Telephone: (843) 720-3460  
*Attorneys for Appellant, Suncrete Of Carolina,  
Inc., d/b/a Crystal Pools*

Dated: February \_\_\_\_\_, 2016

H | B | S HALL BOOTH SMITH, P.C.

Alan Belcher | 40 Calhoun Street, Suite 550  
P: (843) 720-3478 | Charleston, SC 29401  
E: abelcher@hallboothsmith.com | W: www.hallboothsmith.com  
P: (843) 720-3460 F: (843) 720-3479

February 2, 2016

VIA U.S. MAIL

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

RECEIVED

FEB 05 2016

SC Court of Appeals

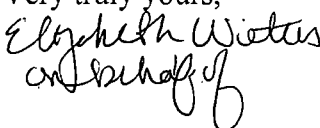
RE: **Group III Management, Inc. v. Suncrete of Carolina, Inc., d/b/a Crystal Pools**  
**Lower Court Case No.: 2014-CP-40-007229**  
**Court of Appeals Case No.: 2015-002584**

Dear Ms. Kitchings:

Pursuant to your letter of January 25, 2016, enclosed please find the original and six copies of **Appellant's Motion Requesting Permission To Order Late Transcript** with regard to the above-captioned matter. I have also enclosed our firm's check in the amount of \$25.00, for the Motion filing fee.

I have also included an extra copy of Appellant's Motion Requesting Permission To Order Late Transcript, and would appreciate your returning a stamped copy to our office in the enclosed self-addressed stamped envelope.

Thank you for your assistance in this matter. If you have any questions and/or concerns, please do not hesitate to contact me.

Very truly yours,  
  
on behalf of

Alan Belcher

AB/sb

Enclosure

cc: John C. Bruton, Jr., Esq. (via U.S. Mail)  
Everette L. Wooten, Jr., Esq. (via U.S. Mail)  
The Honorable Jeanett W. McBride (Clerk of Court Richland County) (via U.S. Mail)  
Ali Felschow (via email)

Haster  
02/02/2016  
**US POSTAGE** \$07.35<sup>0</sup>  
ZIP 29401  
011D14620770

**H|B|S** HALL BOOTH SMITH, P.C.  
40 Calhoun St.  
Suite 550  
Charleston, SC 29401

**RECEIVED**  
FEB 05 2016  
SC Court of Appeals

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