

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
Roger M. Young, Sr., Circuit Judge

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Appellate Case No. 2016-001170

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**RECEIVED**  
MAR 14 2017  
SC Court of Appeals

William B. Haskin, Jr.,.....Appellant,

vs.

Samuel W. Rhodes, Jr., Rhodes Investments, Inc.,  
Rhodes Consulting, LLC, and Tracey M. Bozzelli..... Respondents.

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**APPELLANT'S SUPPLEMENTAL DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL**

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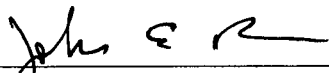
Appellant, William B. Haskin, Jr., proposes the following be included in the  
Supplemental Record on Appeal:

1. Transcript of Proceedings Before The Honorable Roger M. Young, Sr., November  
17-19, 2015
  - a. 161: 17-24
  - b. 213: 9-214:5

Counsel certifies that this designation contains no matter which is irrelevant to this  
appeal.

**[SIGNATURE ON FOLLOWING PAGE]**

ROSEN, ROSEN & HAGOOD, LLC

By:   
Richard S. Rosen (S.C. Bar 4917)  
John E. Rosen (S.C. Bar 72625)  
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ATTORNEYS FOR APPELLANT

Charleston, South Carolina  
March 13, 2017

STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS  
COUNTY OF CHARLESTON 2012-CP-10-6506

WILLIAM B. HASKIN, JR., )  
 )  
 Plaintiff, ) TRANSCRIPT OF PROCEEDINGS  
 )  
 -vs- ) November 17-19, 2015  
 )  
 SAMUEL RHODES, JR., ) Charleston, South Carolina  
 RHODES INVESTMENTS, INC. )  
 and RHODES CONSULTING, LLC, )  
 and TRACEY M. BOZZELLI, )  
 )  
 Defendants. )

B E F O R E:

The Honorable Roger M. Young, Sr., Judge.

A P P E A R A N C E S:

John E. Rosen, Esquire  
Richard S. Rosen, Esquire  
Attorneys for the Plaintiff

Frank Cisa, Esquire  
Attorney for the Defendants

Amanda K. Haffenden, RPR, CRR  
Ninth Circuit Court Reporter

1 THE COURT: No, he doesn't totally do it.  
2 There is a small percentage --

3 MR. RICHARD ROSEN: I stand corrected.

4 THE COURT: -- Rhodes puts in.

5 MR. RICHARD ROSEN: I agree. Rhodes puts in  
6 \$53,000; Haskin puts in \$1,504,295. He puts in all that  
7 money. When he does that, there's no more capital needed  
8 for these LLCs because they had paid all the capital in.  
9 All the debts are discharged.

10 THE COURT: So what is your argument on these  
11 operating agreements? They either exist or don't exist.  
12 They're enforceable or they're not enforceable. It  
13 sounds to me like you want to say they're enforceable,  
14 but not all of it.

15 MR. RICHARD ROSEN: Well, the ones that are  
16 not signed clearly aren't enforceable.

17 THE COURT: Why aren't they? You've had  
18 partial performance. You've almost entire performance,  
19 as far as that goes. The only thing that you haven't had  
20 is what happens upon liquidation; in other words, when  
21 they sell the piece of property, the question remains, is  
22 their right to contribution of losses? That's the only  
23 thing that's unperformed on those operating agreements at  
24 this point in time.

25 MR. RICHARD ROSEN: Well, nobody paid any

1 I'll be glad to try to answer any questions you may have,  
2 Judge. All I'm suggesting to you is when you think about  
3 the facts, the facts aren't in dispute. The only fact  
4 that's in dispute is whether Rhodes Investments, Inc. or  
5 Sammy Rhodes agreed to pay Mr. Haskin back for the  
6 capital contributions, and I suggest to you that that's  
7 not supported by a preponderance of the evidence based on  
8 this record.

9 THE COURT: All right. Well, these were  
10 helpful to hear your arguments and clarify, I think, what  
11 I thought the issues were and what you guys think the  
12 issues are, and I don't think we disagree with anything,  
13 really, about what the issues are. I'm going to take it  
14 under advisement.

15 I think it would be helpful for me to have  
16 y'all submit proposed orders, and that gives you a chance  
17 to put in your final thoughts on your arguments,  
18 especially as it pertains to the applicability of Florida  
19 law and any other statutes. Would 30 days be a  
20 sufficient amount of time?

21 MR. CISA: It would with me, Judge.

22 THE COURT: It puts us right up with the  
23 beginning of the Christmas holidays. If you need more  
24 time than that, then we can do that, I just find it  
25 helpful to put a deadline in; otherwise, you'll take six

1 months. So 30 days from today?

2 MR. JOHN ROSEN: That's agreeable, Your  
3 Honor.

4 THE COURT: For proposed orders?

5 MR. CISA: Yes.

6 THE COURT: Thank you so much. I had some  
7 serious doubts as to whether we'd finish this week. I  
8 think just doing it with a bench trial was certainly the  
9 right call on that, but these are extraordinarily  
10 difficult cases sometimes, and when we're all said and  
11 done, it seems like we boiled it down to its simplest  
12 things, but that's only because of the quality of  
13 lawyers, and so I thank y'all for that, and both sides  
14 should be very happy with the representation that they  
15 have had from their lawyers.

16 They'll tell you that I'm, in essence, doing  
17 now what a jury would do, going out and deliberating, but  
18 I'll just take some time to think about it. I've been  
19 thinking about it all week long and, sadly, at night,  
20 when I'm asleep. I've been up since about quarter to  
21 5:00 this morning, thinking about different things on  
22 this, so I'm going to give them one last chance to kind  
23 of formalize their thoughts, and I may or may not sign  
24 one of their orders. I may take it and work on it one  
25 way or the other, but, frankly, I haven't made a decision

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**PROOF OF SERVICE**

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I do hereby certify that on March 13, 2017 I have served all counsel in this action with a copy of the documents herein below specified by mailing a copy of the same by United States mail, postage prepaid, to the following address:

Documents: **Appellant's Final Brief**  
**Appellant's Final Reply Brief**  
**Consent Motion to Supplement Record on Appeal**  
**Appellant's Supplemental Designation of Matter**  
**Appellant's Supplemental Record on Appeal**

Counsel Served:

Frank M. Cisa, Esquire  
858 Lowcountry Boulevard, Suite 101  
Mount Pleasant, South Carolina 29464  
(843) 881-6530



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(843) 724-8036 (f)

ATTORNEYS FOR APPELLANT

Charleston, South Carolina  
March 13, 2017

# ROSEN | HAGOOD

John E. Rosen  
jrosen@rrhlawfirm.com

March 13, 2017

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SC Court of Appeals

**VIA FEDERAL EXPRESS**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

*Re: William B. Haskin, Jr. vs. Samuel W. Rhodes, Jr., Rhodes Investments, Inc.,  
Rhodes Consulting, LLC, and Tracey M. Bozzelli  
Appellate Case No. 2016-001170*

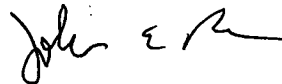
Dear Ms. Kitchings:

Enclosed please find the following documents for the above-referenced matter:

1. Appellant's Final Brief (original and sixteen copies)
2. Appellant's Final Reply Brief (original and sixteen copies)
3. Consent Motion to Supplement Record on Appeal (original and six copies)
4. Check in the amount of \$25.00 for filing fee for Consent Motion
5. Appellant's Supplemental Designation of Matter to be included in the Record on Appeal (original and one copy)
6. Supplemental Record on Appeal (original and sixteen copies)
7. Proof of Service (original and one copy)

We would appreciate it if you please file the originals and return the clocked-in copies to us in the enclosed self-addressed, stamped envelope.

Sincerely yours,



John E. Rosen

JER/dlh  
Enclosures

cc: Frank M. Cisa, Esquire