

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Robert E. Hood, Circuit Court Judge

Case No. 2016-CP-40-03478
Appellate Tracking No.: 2017-000561

RECEIVED

MAR 31 2017

SC Court of Appeals

Cricket Store 17, L.L.C. d/b/a Taboo Appellant,

vs.

City of Columbia Board of Zoning Appeals..... Respondent,

And

City of Columbia Zoning Administrator, Counterclaimant,

vs.


Cricket Store 17, L.L.C. d/b/a Taboo, Counterdefendant.

MOTION TO ORDER TRANSCRIPT OUT OF TIME

Cricket Store 17, L.L.C. moves for an Order of the Court allowing the appellant to order the transcript out of time. This motion is based on the ground that the appellant wrote to opposing counsel on March 22nd to inquire whether the respondent required the transcript of the appearance be included in the record and furnished a copy of the inquiry to the Court, copy attached here as Exhibit 1. (Appellant believes the transcript is not necessary.) Respondent replied on March 28,

2017, informing appellant that respondent desires the transcript to be included in the record of appeal. Appellant has now ordered and paid for the transcript in advance. (Exhibit 2 attached)

Respectfully submitted,



March 29, 2017

Thomas R. Goldstein, #2186.
Belk, Cobb, Infinger & Goldstein, P.A.
P. O. Box 711121
N. Charleston, South Carolina 29415-1121
(843) 554-4291 (843) 554-5566 (fax)
E-mail: tgoldstein@cobblaw.net
Attorneys for Appellant

BELK, COBB, INFINGER AND GOLDSTEIN, P.A.

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CHARLESTON, SC 29405

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March 22, 2017

Mr. Peter M. Balthazor
Riley, Pope & Laney, L.L.C.
P. O. Box 11412
Columbia, S. C. 29211

Re: 2016-CP-40-03478
Appellate Tracking Number: 2017-000561

Dear Pete,

As you know, Rule 207(a) requires me to order the transcript of hearing in this case "[u]nless the parties otherwise agree in writing. . ." Since we already have the transcript from the Board of Zoning Appeals, I want to inquire of you as to whether you require that the transcript of the hearing before Judge Hood be included in the record on appeal. Since the rule requires that any agreement be in writing, please let me know if you do require that transcript of the hearing before the Court of Common Pleas be prepared, or if you agree with me that the only transcript necessary for a decision in this case is the transcript from the Board of Zoning Appeals. I look forward to hearing from you. With kind regards, I am

Very truly yours,


Belk, Cobb, Infinger & Goldstein, P.A.
Thomas R. Goldstein

TRG/

cc:

South Carolina Court of Appeals,
ATTN.: Jessica, case manager

BELK, COBB, INFINGER AND GOLDSTEIN, P.A.

Harry C. Belk (1919-2003)

Dale T. Cobb, Jr.
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March 29, 2017

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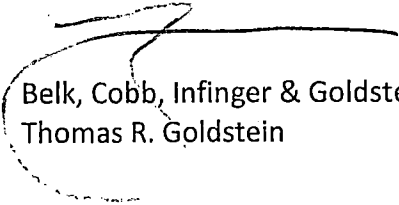
Ms. Karen Ambroziak
Court Reporter
P. O. box 192
Columbia, S.C. 29202

Re: Cricket Store vs. City of Columbia, 2016-CP-40-03478
Appellate Tracking Number: 2017-000561

Dear Ms. Ambroziak,

I understand you were the court reporter assigned to Judge Hood for the week of January 23rd in Richland County. On January 26, the parties in this case appeared before Judge Hood on the above case. Would you be so kind as to transcribe the appearance for that date? I have enclosed our firm's check in the amount of \$100.00 as prepayment for this request. Our office will promptly pay any balance due, or, if you prefer, if you estimate the cost of preparing the transcript, I will mail a check for the anticipated balance. I thank you in advance for your attention to this request. With kind regards, I am

Very truly yours,


Belk, Cobb, Infinger & Goldstein, P.A.
Thomas R. Goldstein

TRG/

enclosure: check # 17762

cc:

South Carolina Court of Appeals,
ATTN.: Jessica, case manager
Mr. Peter M. Balthazor
Riley, Pope & Laney, L.L.C.
P. O. Box 11412
Columbia, S. C. 29211

17762

BELK, COBB, INFINGER & GOLDSTEIN, P.A.

ATTORNEYS
P.O. BOX 71121
NORTH CHARLESTON, SC 29415-1121

FIRST CITIZENS BANK

67-148/532

3/28/2017

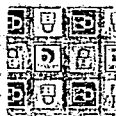
PAY TO THE ORDER OF Karen Ambroziak

\$ **100.00

One Hundred and 00/100

DOLLARS

Karen Ambroziak
Circuit Court Reporter
1083 Langford Road
Blythewood, S. C. 29016



AUTHORIZED SIGNATURE

MEMO

transcript, Cricket vs. City of Columbia

Security features. Details on back.

BELK, COBB, INFINGER & GOLDSTEIN, P.A. - ATTORNEYS

17762

Karen Ambroziak
8750 Client Expenses

transcript of Motion for Reconsideration

3/28/2017

100.00

First Citizens Bank transcript, Cricket vs. City of Columbia

100.00

BELK, COBB, INFINGER & GOLDSTEIN, P.A. - ATTORNEYS

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Cricket Store 17, L.L.C. d/b/a Taboo, Counterdefendant.

PROOF OF SERVICE

I certify that I have served the Motion for Leave to Order Transcript Out of Time on the Respondent, City of Columbia, by depositing a copy of it in the United States Mail, postage prepaid, on March 29, 2017, addressed to its attorney of record, Peter M. Balthazor, Riley, Pope & Laney, L.L.C. at P. O. Box 11412, Columbia, S. C. 29205.

March 29, 2017



Thomas R. Goldstein, S. C. Bar #2186
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(843) 554-4291
Attorneys for Appellant

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March 29, 2017

Ms. Jenny Abbott Kitchings,
South Carolina Court of Appeals,
ATTN.: Jessica, case manager
P. O. Box 11629
Columbia, S. C. 29211

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SC Court of Appeals

Re: Cricket Store vs. City of Columbia, 2016-CP-40-03478
Appellate Tracking Number: 2017-000561

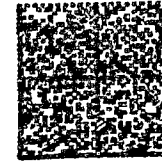
Dear Ms. Kitchings,


I enclose an original and seven copies of a Motion to Order Transcript Out of Time. Would you file the original and return a clocked copy to me in the envelope provided? I also enclose our firm's check in the amount of \$25.00 to cover the filing fee. I thank you in advance for your attention to this request. With kind regards, I am

Very truly yours,

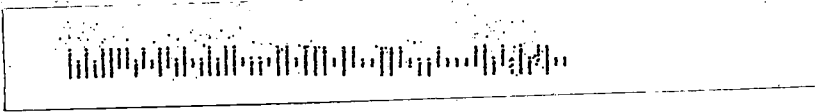

Belk, Cobb, Infinger & Goldstein, P.A.
Thomas R. Goldstein

TRG/
enclosure: check # 17763
cc:
Mr. Peter M. Balthazor
Riley, Pope & Laney, L.L.C.
P. O. Box 11412
Columbia, S. C. 29211



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Belk, Cobb, Infinger & Goldstein, P.A.
 P. O. Box 71121
 Charleston, S. C. 29415-1121

Hon. Jenny Abbott Kitchings
 Clerk of Court
 ATTN.: Jessica,
 Case Manager
 S. C. Court of Appeals
 P. O. Box 11629
 Columbia, S. C. 29211

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MAR 31 2017

SC Court of Appeals

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