

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

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MAR 14 2017
SC Court of Appeals

Appellate Case No. 2016-001170

WILLIAM B. HASKIN, JR., APPELLANT,

vs.

SAMUEL W. RHODES, JR., RHODES INVESTMENTS, INC.,
RHODES CONSULTING, LLC, AND TRACEY M. BOZZELLI, RESPONDENTS.

SUPPLEMENTAL RECORD ON APPEAL

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Transcripts

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Certificate of Counsel5

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:

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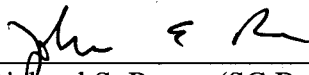
William B. Haskin, Jr.,.....Appellant,

vs.

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

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material.


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March 13, 2017