

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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

Case No. 2016-CP-40-03478
Appellate Tracking No.: 2017-000561
Appellate Tracking No.: 2018-001062

RECEIVED
JUN 28 2018
SC Court of Appeals

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

vs.

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

MOTION FOR LEAVE TO FILE TRANSCRIPT OUT OF TIME
MOTION TO CONSOLIDATE

Transcript

Appellant 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 appellant ordered both transcripts on June 12, 2018, as may be seen by copy of the written requests attached here, prior to the Court's June 13th letter identifying the deficiency. The request was one day out of time and will not delay the appeal or prejudice any party.

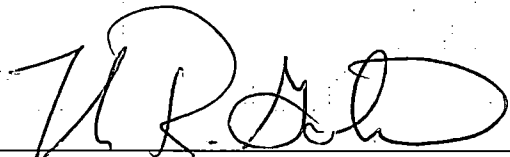
Consolidation

Appellant moves for consolidation with the appeal pending in this Court at appellate tracking number case number 2017-000561. This motion is based on the ground that both appeals involve

the same parties, the same issues, and the resolution of the first necessarily affects the other. See Rule 214: "Where there is more than one appeal from the same order, judgment, decision or decree, or where the same question is involved in two or more appeals in different cases, the appellant court may, in its discretion, order the appeal to be consolidated." Here, there are not "different cases," but rather one case with overlapping legal issues between the same parties, and it is a waste of judicial resources to require the Court to address the same issues in separate appeals.

Respectfully submitted,

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Other counsel of Record:
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PROOF OF SERVICE

I certify that I have served the Motion for Leave to Order Transcript Out of Time and Motion to Consolidate on the Respondent, City of Columbia, by depositing a copy of it in the United States Mail, postage prepaid, on June 25, 2018, addressed to its attorney of record, Peter M. Balthazor, Riley, Pope & Laney, L.L.C. at P. O. Box 11412, Columbia, S. C. 29205.

June 25, 2018



Thomas R. Goldstein, S. C. Bar #2186
Belk, Cobb, Infinger & Goldstein, P.A.
P. O. Box 71121
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June 12, 2018

Ms. Bonnie Kelly,
Court Reporter
P. O. Box 50614
Columbia, S. C. 29250-0614

Ms. Angela P. Berry
Court Reporter
734 Boimest Road
Prosperity, S. C. 29217-9771

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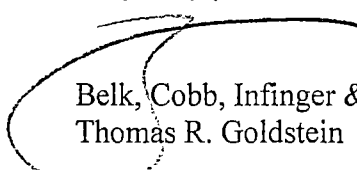
SC Court of Appeals

Re: Cricket Store vs. City of Columbia, Case No.: 2016-CP-40-03478
Appellate Tracking No.: 2017-000561

Dear Ms. Kelly and Ms. Berry,

I believe you two were the court reporters for two appearances in this case on February 9, 2018 and May 14, 2018, in Columbia, S. C. Would you be so kind as to transcribe those two hearings? Please let me know if you require advance payment in order to transcribe these hearings. 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/

cc:

Mr. Peter M. Balthazor
Riley, Pope & Laney, L.L.C.
P. O. Box 11412
Columbia, S. C. 29211
Trevor Eddy, Esq.
S. C. Court of Appeals
S. C. Court Administration

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June 25, 2018

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

Re: Cricket Store vs. City of Columbia, 2016-CP-40-03478
Appellate Tracking Number: 2017-000561
Appellate Tracking Number: 2018-001062

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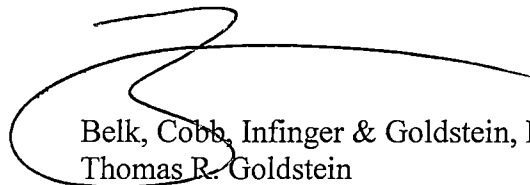
JUN 28 2018

SC Court of Appeals

Dear Ms. Kitchings,

I enclose an original and seven copies of the appellant's two motions along with a proof of service and our firm's check in the amount of \$50.00. Would you be so kind as to file the original and return a clocked copy to me in the envelope provided? By copy of this letter, I am also sending a copy to opposing counsel. 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

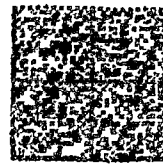
TRG/

enclosure: Motions, proof of service, check No. 18356, return envelope

cc:

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

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

SC Court of Appeals

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