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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
Jocelyn Newman, Circuit Court Judge

**RECEIVED**  
NOV 26 2018  
SC Court of Appeals

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

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 FOR EXTENSION TO FILE INITIAL BRIEF

Cricket Store 17, L.L.C. moves for an Order of the Court granting appellant a fifteen (15) day extension to file the initial brief, as computed from the date appellant receives the transcript of record from the motion hearing for permanent injunction hearing held February 9, 2018. This motion is based on the following grounds:

The appellant requested both transcripts on June 12, 2018. (See attached correspondence to court reporters.) On or about September 21, 2018, the appellant received the transcript from the May

14, 2018, hearing, and erroneously believed that appellant had received both transcripts as the May 14<sup>th</sup> hearing was the second of two hearings involved in this appeal. In preparing the initial brief and the designation of contents of record on appeal, appellant's counsel realized that we have not received the February 9<sup>th</sup> transcript and immediately wrote to the court reporter to make an inquiry. (Court Administration does not provide a telephone number or e-mail address for court reporters.)

Based on the excusable neglect of appellant's counsel in failing to realize that we have not received both transcripts, the appellant requests and extension to file and serve the initial brief 15 days after receipt of the February 9<sup>th</sup> transcript.

Respectfully submitted,



November 15, 2018

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)  
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Attorneys for Appellant

CERTIFICATE OF COUNSEL


I certify that prior to filing this motion, I attempted to consult with opposing counsel in an effort to resolve this issue.

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

Harry C. Belk (1919-2003)  
Dale T. Cobb, Jr.

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June 12, 2018

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

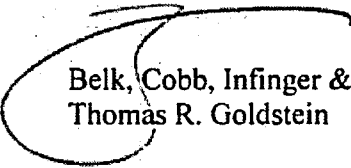
Ms. Angela P. Berry  
Court Reporter  
734 Boinest Road  
Prosperity, S. C. 29217-9771

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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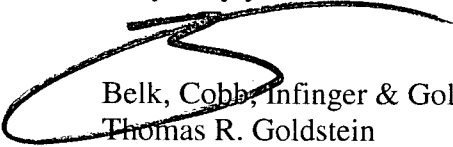
Ms. Bonnie H. Kelly  
Court Reporter  
Post Office Box 50614  
Columbia, SC 29250-0614

Re: Cricket Store v. City of Columbia  
2016-CP-40-03478  
Appellate Tracking Number: 2018-001062

Dear Ms. Kelly,

On June 12, 2018, I requested that you send me the transcript for a February 9, 2018, motion hearing in the above referenced case. I recently received the transcript from the second hearing held on May 14, 2018, and when I received that one, I erroneously assumed that I previously received the February 9<sup>th</sup> transcript. This error is entirely mine, and I apologize for not making a further inquiry before now. However, I do need the transcript from February 9<sup>th</sup>, and if you require pre-payment for preparation of this transcript, please let me know, and I will send the estimated amount. Please let me know if I can assist you in any way in providing this transcript. I apologize for the confusion. With kind regards, I am

Very truly yours,



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

enclosure: June 12, 2108 correspondence

cc:

Court of Appeals  
Peter Balthazor, Esq.  
Scott Bergthold, Esq.  
Trevor Eddy, Esq.

STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
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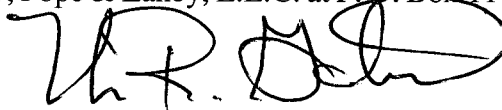
vs.

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

PROOF OF SERVICE

I certify that I have served the Motion for Extension to file Initial Brief by depositing a copy of it in the United States Mail, postage prepaid, on November 15, 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.

November 15, 2018



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Attorneys for Appellant

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November 15, 2018

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

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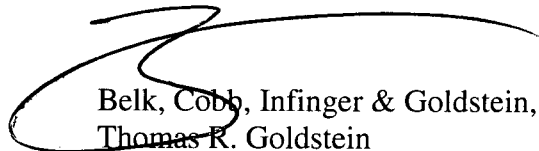
NOV 26 2018

Re: Cricket Store vs. City of Columbia, 2016-CP-40-03478 **SC Court of Appeals**  
Appellate Tracking Number: 2018-001062  
(See also: Appellate Tracking Number: 2017-000561)

Dear Ms. Kitchings,

I enclose the original and six copies of a request for extension to file the appellant's initial brief along with a certificate of mailing. I also enclose our firm's check in the amount of \$50.00 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: Motion for extension, check No. 18525

cc:

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

✓

Belk, Cobb, Infinger & Goldstein PA  
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Hon. Jenny A. Kitchings,  
Clerk of Court

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