

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas
Kristi F. Curtis, Circuit Court Judge

Case No. 2018-CP-08-00266
Appellate Tracking No.: 2019-00169

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SC Court of Appeals

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In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas
Kristi F. Curtis, Circuit Court Judge

Case No. 2018-CP-08-01008
Appellate Tracking No.: 2019-00170

Aracelis Santos, Appellant,

vs.

Harris Investment Holdings, L.L.C., Respondent,

MOTION TO CONSOLIDATE

Pursuant to *South Carolina Appellate Court Rules*, Rule 214, the appellant moves for an Order of the Court consolidating the above entitled appeals. This motion is based on the following grounds:

The two appeals involve the same parties (landlord and tenant) and the same transaction (lease of a commercial space).

The appeals are from the same court.

The Record on Appeal for each appeal will be identical.

The Statement of Case and Statement of Facts for each appeal will be identical.

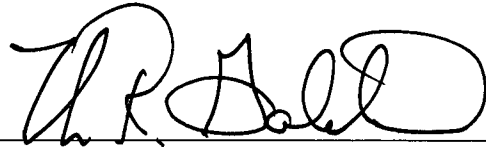
Each Appeal is logically related to the other, arising out of the same transaction, and the Court cannot evaluate either case independent of the other because they arise out of the same transaction and the Orders under review rely on facts common to both appeals.

Requiring the Appellant to prepare 30 identical Records on Appeal and 30 briefs on the same case is an economic burden the Appellant cannot bear.

Based on the foregoing, the Appellant respectfully prays for an Order of the Court:

- A. Consolidating the cases for disposition;
- B. Allowing the Appellant to file a single brief, with separate headings for each appeal;
- C. Allowing the Appellant to file 15 Records of Appeal to serve as the Record on Appeal for each case;
- D. To hold the briefing schedule in abeyance pending a decision from the Court as to how the parties are to brief the case and designate the contents of the Record on Appeal; and
- E. For such other and further relief as the Court deems just and proper.

January 23, 2020



Thomas R. Goldstein, S.C. Bar #2186
Belk, Cobb, Infinger & Goldstein, P.A.
Attorneys for Respondent
P. O. Box 71121
Charleston, South Carolina 29415-1121
(843) 554-4291 (843) 554-5566 (fax)
E-mail: tgoldstein@cobblaw.net
ATTORNEYS FOR APPELLANT

CERTIFICATE OF COUNSEL

I certify that prior to filing this motion I attempted to consult with opposing counsel but was unable to resolve the issue of consolidation.

January 23, 2020



Thomas R. Goldstein, S. C. Bar 2186

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Aracelis Santos, Appellant,

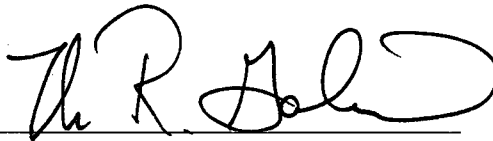
vs.

Harris Investment Holdings, L.L.C., Respondent,

PROOF OF SERVICE

I certify that I have served the Motion for Consolidation and the Memorandum in Support on the Respondent, Harris Investment Holdings, L.L.C., by depositing a copy of it in the United States Mail, postage prepaid, on January 23, 2020, addressed to the attorneys of record, Merritt Abney, 151 Meeting Street, Sixth Floor, Charleston, S. C. 29401-2239.

January 23, 2020

A handwritten signature in black ink, appearing to read 'Th R Goldstein', written over a horizontal line.

Thomas R. Goldstein, S. C. Bar # 2186
BELK, COBB, INFINGER, & GOLDSTEIN, P.A.
Post Office Box 71121
Charleston, South Carolina 29415-1121
tgoldstein@cobblaw.net
(843) 554-4291; (843) 554-5566 (fax)
ATTORNEYS FOR APPELLANT

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

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

Peggy M. Infinger
pinfinger@cobblaw.net

Thomas R. Goldstein
tgoldstein@cobblaw.net

ATTORNEYS AT LAW
2344 COSGROVE AVENUE
CHARLESTON, SC 29405

January 23, 2020

Mailing Address:
P.O. Box 71121
Charleston, SC
zip 29415-1121
Ph: (843) 554-4291
Fax: (843) 554-5566

Hon. Jenny A. Kitchings,
Clerk of Court
ATTN.: Latoya Burns
S. C. Court of Appeals
P. O. Box 11629
Columbia, S. C. 29211

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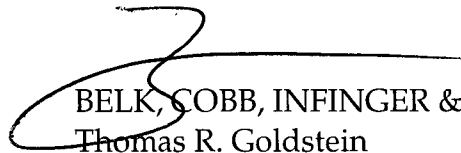
Re: Aracelis Santos v. Harris Investment Holdings, L.L.C.
Case Nos.: 2018-CP-08-00266 and 2018-CP-08-01008; Appellate Tracking
Numbers 2019-00169 and 2019-001170

Dear Ms. Kitchings,

On January 3, I wrote to the Court and requested a 30-day extension to file our initial brief. (We received the final transcript of hearing on December 14, 2019.) I now realize that I should have included a check for \$100.00 as opposed to \$50.00 because this case is filed as two cases even though it involves the same parties and the same transaction. I am, therefore, enclosing an additional \$50.00 to cover this fee.

The January 3rd request for extension brought home to me the realization that two matters pending in the same case simultaneously will cause all sorts of confusion and needless expense for duplication, and for that reason, I am also enclosing a Motion to Consolidate (and six copies), along with a check for \$100.00, to request leave of Court to submit one Record on Appeal and one brief on each case combined. I ask that you file the original with the Court and return a clocked copy to me in the envelope provided. By copy of this letter, I am providing a copy to opposing counsel. With kind regards, I am

Very truly yours,

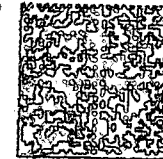

BELK, COBB, INFINGER & GOLDSTEIN, P.A.
Thomas R. Goldstein

TRG/

enclosure: Motion to Consolidate, certificate of service, check No. 19027, and return envelope

cc: Merritt Abney, Esq. (with enclosure)

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