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**Dec 01 2020**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
Bentley D. Price, Circuit Court Judge

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Case No. 2019-CP-10-00105  
Appellate Case No. 2020-001403

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Endre Tomaschek and Evan  
Tomaschek, Appellants,

v.

Edith C. Miller; Don L. Sumter;  
Carolina Elite Real Estate, LLC;  
Christopher Gibbs; Buzz Off TPC,  
LLC d/b/a Buzoof Termite & Pest  
Control, LLC; GWS, Inc.; Gaynelle  
Whittle-Shipp; Stucco Inspector,  
LLC; Solid Ground Home  
Inspections, LLC; Jerry L. Anderson  
d/b/a "Anderson Roofing"; Delano M.  
Francis; and Robert Oliver d/b/a  
"Home Repair by Robert,"  
Defendants,

Of whom Solid Ground Home  
Inspections, LLC is the Respondent.

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**MOTION TO ORDER TRANSCRIPT OUTSIDE FILING DEADLINES**

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NOW COMES Appellants Endre and Evan Tomaschek ("Appellants"), by and through their undersigned counsel, and respectfully move the Court for an Order permitting Appellants to order the transcripts from the lower court proceeding outside the deadline specified in Rule 207, SCACR. In support thereof, Appellants show the following:

1. Appellants filed the Notice of Appeal in this case on October 20, 2020.
2. Through the inadvertence of Appellants' counsel, the transcripts from the lower court proceedings were not ordered until November 13, 2020, and correspondence reflecting the ordering of the transcripts was sent to the parties but not to the Clerk of the Court of Appeals.
3. Appellants' counsel requests the Court enter an Order permitting Appellants to order the transcripts from the lower court proceedings outside the deadline provided in Rule 207, SCACR.
4. Because Appellants ordered the transcripts on November 13, 2020, only thirteen days after the time set in Rule 207, SCACR, the grant of Appellants' motion will not result in any appreciable delay in this appeal.
5. Respondent consents to this motion as indicated by the e-mail correspondence attached hereto as Exhibit A.

WHEREFORE, Appellants Endre and Evan Tomaschek respectfully move the Court for an Order permitting Appellants to order the transcripts from the lower court proceedings outside the deadline provided in Rule 207, SCACR.

December 1, 2020



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Attorneys for Appellants

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Christopher Gibbs; Buzz Off TPC,  
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Control, LLC; GWS, Inc.; Gaynelle  
Whittle-Shipp; Stucco Inspector,  
LLC; Solid Ground Home  
Inspections, LLC; Jerry L. Anderson  
d/b/a "Anderson Roofing"; Delano M.  
Francis; and Robert Oliver d/b/a  
"Home Repair by Robert,"  
Defendants,

Of whom Solid Ground Home  
Inspections, LLC is the Respondent.

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PROOF OF SERVICE


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I certify that I served the Motion to Order Transcript Outside Filing Deadlines on Respondent by depositing a copy of it in the United States Mail, postage prepaid, on December 1, 2020, and by e-mail on December 1, 2020, addressed as set forth below.

Alan R. Belcher, Jr.  
Elizabeth F. Wieters  
Hall Booth Smith, P.C.  
111 Coleman Boulevard, Ste. 301  
Mount Pleasant, SC 29464  
(843) 720-3460  
alan.belcher@hallboothsmith.com  
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sfischer@hallboothsmith.com

Attorneys for Respondent Solid Ground Home Inspections, LLC

December 1, 2020



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F. Elliott Quinn IV  
The Steinberg Law Firm, LLP  
Post Office Box 2670  
Summerville, South Carolina 29484  
(843) 871-6522  
equinn@steinberglawfirm.com

Attorney for Appellants

# Exhibit A

## Monica Correa

---

**From:** Shellie Fischer <SFischer@hallboothsmith.com>  
**Sent:** Tuesday, December 1, 2020 3:24 PM  
**To:** Elliotte Quinn; Alan Belcher  
**Cc:** Monica Correa; randrews@cdhlawfirm.com  
**Subject:** RE: Endre Tomaschek v. Solid Ground Home Inspections, LLC 2020-001403 [IWOV-chdms.FID83383]

Good afternoon,

Alan is going into a virtual hearing, but asked me to let you know he does consent to request. He would also appreciate you providing us with a copy of the transcript once received. We of course would be willing to pay you a reasonable fee for the copy.

Thank you.

Sincerely,

**Shellie Fischer**  
***Legal Assistant***

Hall Booth Smith, P.C.  
111 Coleman Boulevard, Suite 301  
Mount Pleasant, South Carolina 29464  
T: 843.720.3460  
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[SFischer@hallboothsmith.com](mailto:SFischer@hallboothsmith.com) [www.hallboothsmith.com](http://www.hallboothsmith.com)

---

**From:** Elliotte Quinn <equinn@steinberglawfirm.com>  
**Sent:** Tuesday, December 1, 2020 3:01 PM  
**To:** Alan Belcher <ABelcher@hallboothsmith.com>  
**Cc:** Shellie Fischer <SFischer@hallboothsmith.com>; Monica Correa <mcorrea@steinberglawfirm.com>; randrews@cdhlawfirm.com  
**Subject:** RE: Endre Tomaschek v. Solid Ground Home Inspections, LLC 2020-001403

Alan,

By the end of the day tomorrow at the latest, I intend to file a motion requesting permission to order the transcript of the lower court proceedings outside the time set in Rule 207, SCACR. As you know from previous correspondence I sent to the Clerk and which you were copied on, Appellants already ordered the transcripts back on November 13 and just need Court approval for having done so outside the deadline. Will you please extend me the professional courtesy of consenting to my motion?

Regards,  
Elliotte Quinn

---

**From:** Clark, Tyler P. <[tpclark@sccourts.org](mailto:tpclark@sccourts.org)>  
**Sent:** Monday, November 30, 2020 3:35 PM

To: [alan.belcher@hallboothsmith.com](mailto:alan.belcher@hallboothsmith.com); Elliottte Quinn <[equinn@steinberglawfirm.com](mailto:equinn@steinberglawfirm.com)>; [randrews@cdhlawfirm.com](mailto:randrews@cdhlawfirm.com)  
Cc: [sfischer@hallboothsmith.com](mailto:sfischer@hallboothsmith.com); Monica Correa <[mcorrea@steinberglawfirm.com](mailto:mcorrea@steinberglawfirm.com)>; Singleton, Mary C.  
<[msingleton@sccourts.org](mailto:msingleton@sccourts.org)>  
Subject: Endre Tomaschek v. Solid Ground Home Inspections, LLC 2020-001403

Dear Counsel,

Please find correspondence from the Court of Appeals.

Sincerely,

**Tyler Clark**

Appeals Specialist  
SC Court of Appeals  
1220 Senate St.  
Columbia, SC 29201  
Ph. (803) 734-1890  
F. (803) 734-1839

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December 1, 2020

VIA U.S. MAIL AND E-MAIL

Hon. Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211  
ctappfilings@sccourts.org  
msingleton@sccourts.org  
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**SC Court of Appeals**

Re: Tomaschek vs. Miller, et al.  
Charleston County Court of Common Pleas  
Case No. 2019-CP-10-00105  
Appellate Case No. 2020-001403

Dear Hon. Clerk Kitchings,

Enclosed for filing, please find a Motion to Order Transcript Outside Filing Deadlines. Thank you for your assistance, and please do not hesitate to contact me should you have any questions.

Regards,

Elliotte Quinn  
equinn@steinberglawfirm.com  
843-871-6522

FEQ/mbc

December 1, 2020

Page 2

Enclosures (as stated)

cc: (via U.S. mail and email)

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*Attorneys for Respondent Solid Ground Home Inspections, LLC*