

# The South Carolina Court of Appeals

Margaret A. Eberly and Barbara J. Pavelik, Plaintiffs,

v.

Advanced Flooring & Design Division of ISI, LLC;  
Archer Exteriors, Inc.; Crossroads Enterprises, LLC;  
D.R. Horton, Inc.; East Coast Construction Cleanup  
Corp.; Hutton's Landscapes, Inc.; Lather Construction  
SC, Inc.; Lather Construction, Inc.' Professional Drywall  
& Paint Services, LLC; Professional Exteriors II, LLC;  
and Valim Construction, LLC, Defendants,

Of which D.R. Horton, Inc. is the Appellant,

And

Hutton's Landscapes, Inc., Lather Construction SC, Inc.,  
and Lather Construction, Inc. are the Respondents.

Appellate Case No. 2022-000469

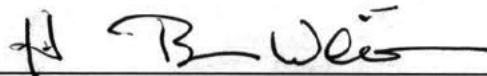
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## ORDER

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Appellant received written notice of entry of the order on appeal on March 24, 2022. On April 11, 2022, Appellant attempted to use the circuit court's electronic service system to serve Respondents with a copy of a notice of appeal that did not list any of the correct Respondents. Thereafter, on April 28, 2022, Appellant served the correct Respondents through the United States mail with an amended notice of appeal. Because Appellant failed to timely serve Respondents pursuant to Rule 262 of the South Carolina Appellate Court Rules, Respondents' motions to dismiss are granted. This court notes that Respondents' April 11, 2022 attempted service is not in compliance with the Supreme Court of South Carolina's order on "Methods of Electronic Filing and Service." *See RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As*

*Amended May 6, 2022*), S.C. Sup. Ct. Order dated May 6, 2022. Appellant effectuated proper service of the notice of appeal on April 28, 2022; however, it was not within thirty days after receipt of written notice of entry of the order. *See* Rule 203(b)(1), SCACR. Accordingly, this appeal is dismissed and the remittitur will be sent as required by Rule 221(b), SCACR.



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FOR THE COURT

Columbia, South Carolina

cc:

Jason Michael Imhoff, Esquire  
John T. Crawford, Jr., Esquire  
Thomas Elihue Dudley, III, Esquire  
Emily Gifford Lucey, Esquire  
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Scott Harris Winograd, Esquire  
Carl F. Muller, Esquire  
Carmen Vaughn Ganjehsani, Esquire

**FILED**  
**Jul 21 2022**

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