

THE STATE OF SOUTH CAROLINA
In The SC Court of Appeals

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SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Bentley Price, Circuit Court Judge

Case No. 2017-CP-10-05246
Appellate Case No. 2022-001187

GARY KEISLER, INDIVIDUALLY AND AS
CLASS REPRESENTATIVE, JOHN DOES
(1-50) AND JANE DOES (1-50),

Respondents

v.

JOHN WIELAND HOMES AND
NEIGHBORHOODS OF THE CAROLINAS,
INC., as successor by statutory merger to
JOHN WIELAND HOMES AND NEIGHBORHOODS
OF SOUTH CAROLINA, INC., et al.

Defendants

RP FALCON PROPERTIES, LLC (f/k/a JW HOMES,
LLC); RP FALCON LAND, LLC (f/k/a JW LAND
INVESTMENT, LLC); RP FALCON REALTY, LLC
(f/k/a WIELAND REALTY, LLC); RESIDENTIAL
PARTNERS, LLC,

Appellants

v.

COY-CY CONSTRUCTION, EVANS ENTERPRISES,
IML CONSTRUCTION, LLC, AND MARCUS
BUILT, LLC.

Third-Party Defendants

CONSENT MOTION TO AMEND CAPTION

Pursuant to Rule 265(c) of the South Carolina Appellate Court Rules, Appellants, RP Falcon Properties, LLC (formerly known as JW Homes, LLC); RP Falcon Land, LLC (formerly known as JW Land Investment, LLC); RP Falcon Realty, LLC (formerly known as Wieland Realty, LLC); Residential Partners, LLC; and WS JWH, LLC (collectively “RP Companies” and hereinafter “Appellants”) respectfully request to amend the case caption to substitute Jorge Medina and Jorge Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc. and All Exteriors Construction, LLC (hereinafter “JMC”) as Respondents in place of Gary Keisler, individually and as class representative, John Does (1-50) and Jane Does (1-50). Due to clerical error, Keisler, et al. were incorrectly identified as the Respondents. Counsel for Gary Keisler, individually and as class representative, John Does (1-50) and Jane Does (1-50) and counsel for JMC consent to this substitution.

WHEREFORE, Appellants respectfully pray that this Court grant this Consent Motion to Amend Caption.

s/ Blake A. McKie

Brian C. Duffy (SC I.D. No. 16247)
Blake A. McKie (SC I.D. No. 80198)
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and

Thomas C. Hildebrand, Jr. (SC I.D. No. 2501)
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Attorneys for Appellants

September 7, 2022
Charleston, South Carolina

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IML CONSTRUCTION, LLC, AND MARCUS
BUILT, LLC.

Third-Party Defendants

PROOF OF SERVICE

I hereby certify that on the 7th day of September, 2022, I have served the **CONSENT MOTION TO AMEND CAPTION** on counsel for all parties via email pursuant to Appellate Case No. 2020-000447 (d)(1) to the following addresses:

<p>John C. Hayes, IV, Esquire Nina E. Meola, Esq. Hayes Law Firm, LLC PO Box 22497 Charleston, SC 29413 jhayes@hayeslaw.org nmeola@hayeslaw.org <i>Attorneys for Gary Keisler, et al.</i></p>	<p>I. Keith McCarty, Esq. McCarty Law Firm, PC 768 St. Andrews Blvd. Charleston, SC 29407 ikeithmccarty@gmail.com <i>Attorneys for Gary Keisler, et al.</i></p>
<p>Chris Adams, Esquire James L. Williams, Esquire Collins & Lacy, PC PO Box 12487 Columbia, SC 29211 cadams@collinsandlacy.com jwilliams@collinsandlacy.com <i>Attorneys for George Medina, George Medina a/k/a JMC Construction, Inc., a/k/a JMC Construction, LLC and All Exteriors Construction, LLC</i></p>	<p>Stephen P. Hughes, Esquire Howell, Gibson & Hughes, PA PO Box 40 Beaufort, SC 29901 Sphughes@hgpha.com <i>Attorneys for Builders FirstSource-Southeast Group, LLC</i></p>
<p>Jason A. Daigle, Esquire Clement Rivers, LLP PO Box 993 Charleston, SC 29402 jdaigle@ycrllaw.com <i>Attorneys for Daniel L. Rogers d/b/a Rogers Roofing Co., Inc., n/k/a Dan Rogers Roofing, LLC</i></p>	<p>Kevin W. Mims, Esquire W. Chase McNair, Esquire Luzuriaga Mims, LLP 50 Immigration Street, Suite 200 Charleston, SC 29403 kmims@lmlawllp.com cmcnair@lmlawllp.com <i>Attorneys for AC Construction, Inc.</i></p>
<p>Theodore L. Manos, Esquire Robertson Hollingsworth, et al. 550 King Street, Suite 300 Charleston, SC 29403 tlm@roblaw.net <i>Attorneys for Wieland Defendants and Scott Parker, Doug Pilcher and Michael Cassidy and Neighborhood Management Associates, Inc.</i></p>	<p>Ian W. Freeman, Esquire Walker Gressett Freeman and Linton 66 Hassell Street Charleston, SC 29401 freeman@wgflaw.com <i>Attorney for John Wieland and Middlesex Holdings, LLC</i></p>

<p>James Saxton, Esquire Gordon Rees Scully Mansukhani LLP 40 Calhoun Street, Suite 350 Charleston, SC 29401 jsaxton@grsm.com <i>Attorneys for Paul Vasquez</i></p>	<p>Stephen L. Brown, Esquire Clement Rivers, LLP 25 Calhoun Street, Suite 400 Charleston, SC 29402 sbrown@ycrlaw.com <i>Attorneys for New Construction Drywall Hanger, LLC</i> <i>f/k/a New Construction Drywall Hanger, Inc.</i></p>
<p>C. Clay Olson, Esquire Gordon Rees Scully Mansukhani LLP 40 Calhoun Street, Suite 350 Charleston, SC 29401 colson@grsm.com <i>Attorneys for Marcus Built</i></p>	<p>Robert C. Calamari, Esquire Donna O. Tillis, Esquire Nelson Mullins Riley & Scarborough LLP PO Box 3939 Myrtle Beach, SC 29578 Bob.calamari@nelsonmullins.com Donna.tillis@nelsonmullins.com <i>Attorneys for YKK (USA) Inc</i></p>
<p>Philip Cristaldi, Esquire Jeff Ross, Esquire Ross & Cristaldi, LLC 863 Coleman Blvd., Ste. B Mt. Pleasant, SC 29464 pcristaldi@rclawsc.com jross@relawsc.com <i>Attorneys for Builders FirstSource-Southeast Group, LLC</i></p>	<p>Arthur C. Pelzer, Esquire Pelzer Law Firm LLC 266 Meeting Street Charleston, SC 29401 arthur@pelzerlawfirm.com <i>Attorneys for IML Construction LLC</i></p>

s/ Blake A. McKie

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Charleston, South Carolina

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VIA U.S. MAIL & EMAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org

RE: Gary Keisler, Individually and as Class Representative, et al. v.
RP Falcon Properties, LLC, et al.
Case No. 2017-CP-10-5246
Appellate Case No. 2022-001187

Dear Ms. Kitchings:

Enclosed please find a Consent Motion to Amend Caption and Proof of Service of same in connection with the above-captioned matter. Also enclosed is a check in the amount of \$50.00 for the filing fee.

By copy of this letter to all counsel of record, we are serving them with a copy of the Motion and Proof of Service.

Very truly yours,



Blake A. McKie

BAM/jvp

Enclosures

cc (w/Enclosures via email): All counsel of record