

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Oct 13 2022

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master in Equity

Case No. 2016-CP-10-1143
Appellate Case No. 2022-01224

Palmetto Construction Group,

Respondent,

v.

Restoration Specialists, LLC,
Reuben Mark Ward, and
Lynnette Pennington Ward

Appellants.

APPELLANT’S MOTION TO EXCEED PAGE LIMIT FOR INITIAL BRIEF

Appellants Restoration Specialists, Reuben Mark Ward and Lynette Pennington Ward (“Appellants”), by and through their undersigned counsel, respectfully move this Court, pursuant to Rules 208(b)(5) and 240, SCACR, for permission to submit an initial/principal brief that exceeds the permitted page limit. Specifically, Appellants request that this Court enlarge the page limitation for their initial brief to allow for an additional twenty (20) pages for a total of seventy (70) pages. The grounds for this motion are as follows:

1. Pursuant to Rule 208(b)(5), SCACR, principal briefs shall not exceed fifty (50) pages. However, “[o]n motion, the appellate court may grant a party permission to exceed those limitations.” Rule 208(b)(5), SCACR.

2. Appellant makes this motion for additional pages in order to fully present all of the relevant facts, procedural history and legal arguments necessary for the Court to consider this appeal. Given the numerous issues to be addressed, undersigned counsel respectfully submits that a brief of the requested length will benefit this Court in justly resolving this matter.
3. This action concerns a plethora of complex issues that are important to South Carolina jurisprudence and includes, but is not limited to, the following:
 - a. an entry of default and an order denying a motion to lift that entry of default;
 - b. whether arbitration should be compelled pursuant to contract terms when a party has an entry of default filed against it;
 - c. whether a terminated legal entity can continue to pursue legal action in South Carolina (raising issues related to subject matter jurisdiction and related to whether The South Carolina Uniform Limited Liability Act of 1996 allows for the revocation or reversal of a termination of a limited liability company, retroactive back to the date of the termination despite that Appellants were prejudiced by the retroactivity);
 - d. Whether damages should be awarded in a damages hearing for causes of action when the Complaint failed to allege all elements of those cause of action;
 - e. whether purported documentary evidence filed after a damages hearing, although the Respondent never moved for the admission of and the Court never admitted those documents as evidence, is an abuse of discretion that equates to an error of law;

- f. Whether damages for breach of contract are proper against parties that were not a party to the contract; and
 - g. and whether the default judgment and the amount of damages awarded are proper, considering the issues above.
4. The outcome of this appeal will be of great consequence to Appellants as well as to the public as some of these issues are novel issues in South Carolina. The uniqueness and complexity of the issues necessitate and the interests of justice are best served by the allowance of a principal brief that exceeds the page limits contained in the SCACR.
 5. As set forth herein, good cause exists for extending the page limitation for Appellants' initial brief. Accordingly, it is requested that this Court enter an Order granting Appellants' leave to file an initial brief that exceeds the permitted page limit by twenty (20) pages for a total of seventy (70) pages.
 6. This Motion is supported by the grounds set forth herein and the South Carolina Appellant Court Rules.

Respectively Submitted,

October 13, 2022

s/ A. Bright Ariail
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Attorneys for Respondent

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Appellants.

PROOF OF SERVICE

I certify that I have served Appellants' Motion to Exceed Page Limit for Initial Brief on Palmetto Construction Group by emailing a .pdf copy of the same to its counsel of record, on this 13th day of October, 2022, addressed to the recipient attorney's primary e-mail address listed in the South Carolina Attorney Information System as shown below:

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October 13, 2022

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Attorney for Appellants

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SC Court of Appeals

VIA EMAIL AND US MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RE: Palmetto Construction Group v. Restoration Specialists, LLC *et al.*
Appellate Case No. 2022-001224

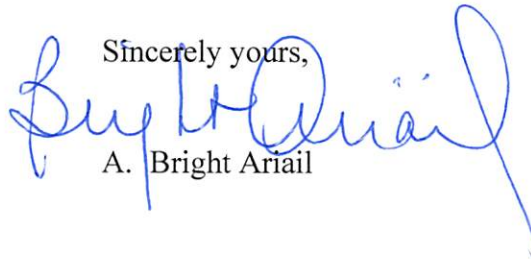
Dear Ms. Kitchings;

Enclosed, please find Law Office of A. Bright Ariail, LLC's check number 1834 in the amount of \$50.00 payable to the South Carolina Court of Appeals for payment of the filing fee for Appellants' Motion to Exceed Page Limit for Initial Brief filed this date.

By copy of this letter, I am serving counsel for Respondents with same.

With kindest regards, I am

Sincerely yours,



A. Bright Ariail

Enclosures

cc: Jann Rennik, Esquire (via email only)
Michelle Endemann, Esquire (via email only)