

**RECEIVED**

**Dec 28 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM YORK COUNTY  
Court of Common Pleas

William A. McKinnon, Circuit Court Judge

---

Case No. 2020-CP-46-03592

---

Summerlake Townhomes Homeowners' Association, Inc. and Susan Hagy and Karin Fuentes, individually and on behalf of all others similarly situated, Respondents,

v.

True Homes, LLC; Carolina Development Services, LLC; Summerlake Properties, LLC; RJB Legacy Company f/k/a Barefoot & Company; BMC East, LLC; Airtron, Inc.; MPK Grading and Erosion Control, LLC; Southend Exteriors, LLC; McGee Brothers Company, Inc.; Alpha Omega Construction Group, Inc.; Pender-Pettus Insulating, Inc.; Charlotte Lanehart Electric Company, Inc.; C&C Plumbing, Inc.; Associated Materials, LLC a/k/a Alside, Inc.; T & A Excavating, LLC; Callahan Excavating, LLC a/k/a Callahan Grading & Hauling, Inc. a/k/a Callahan Grading, LLC; AHR Construction, Inc.; JJS Commercial Construction, Inc.; CDJ Construction, Inc.; Jimenez Contractors, LLC; J. Cov Roofing, LLC; Ayalas Window Installations, LLC; Atlanta Flooring Design Centers, Inc.; Pedro DeJesus Lopez d/b/a P JL Construction; and Pedro Villareal-Conception d/b/a CVP Construction, Defendants,

of which True Homes, LLC, is the Appellant.

---

MOTION TO STRIKE APPELLANT'S  
INITIAL BRIEF, REQUIRE FILING OF  
CORRECTED INITIAL BRIEF, AND  
EXTEND THE TIME FOR RESPONDENT'S  
INITIAL BRIEF

---

Respondent Karin Fuentes, through counsel and in accordance with Rules 208, 240, and 263 of the South Carolina Appellate Court Rules, requests the Court of Appeals strike Appellant's Initial Brief, direct Appellant to correct and refile its Initial Brief with

references to the record in compliance with Rule 208(b)(4), SCACR, and extend the time for Respondent to file his initial brief until a date thirty days after the service of Appellant's corrected Initial Brief.

Rule 208(b)(4), SCACR, provides that briefs are to contain "references to the transcript, pleadings, orders, exhibits, or other materials . . . to the support the salient facts alleged," and that for initial briefs such references are to "be to the page and line number of the transcript prepared by the court reporter or by the page of the material to be referenced; *e.g.*, Answer p. 7, Motion for Judgment p.2, Transcript p. 231." Appellant's Initial Brief does not comply with Rule 208(b)(4). In Appellant's Initial Brief, statements of salient facts alleged are followed by "(R. \_\_\_\_\_)." Appellant's Initial Brief does not contain any reference to a particular page and line number of any transcript or a particular page of any material.

The result of Appellant's failure to comply with Rule 208(b)(4) is fundamental unfairness and the denial of a meaningful opportunity to be heard for Respondent. Without references to the specific line and page numbers, Respondent is unable to assess and respond to Appellant's assertions that portions of the record support Appellant's position. Respondent cannot meaningfully respond to Appellant's Initial Brief unless Respondent can determine what in the record below Appellant contends supports its position on appeal.

For the reasons set forth herein, Respondent respectfully requests the Court of Appeals enter an order striking Appellant's Initial Brief, requiring Appellant to submit correct and refile its Initial Brief with references to the page and line number of the transcript prepared by the court reporter or to the page of the material to be referenced in accordance with Rule 208(b)(4), SCACR, and extend the time for Respondent to file his

initial brief until a date thirty days after the service of Appellant's corrected Initial Brief.

/s/Elliotte Quinn

F. Elliotte Quinn IV

Rachel Igdal

The Steinberg Law Firm, LLP

Post Office Box 2670

Summerville, South Carolina 29484

(843) 871-6522

equinn@steinberglawfirm.com

rigdal@steinberglawfirm.com

*Attorneys for Respondent Fuentes and Plaintiffs  
Summerlake Townhomes Homeowners' Association, Inc.  
and Susan Hagy*

**RECEIVED**

**Dec 28 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM YORK COUNTY  
Court of Common Pleas

William A. McKinnon, Circuit Court Judge

---

Case No. 2020-CP-46-03592

---

Summerlake Townhomes Homeowners' Association, Inc. and Susan Hagy and Karin Fuentes, individually and on behalf of all others similarly situated, Respondents,

v.

True Homes, LLC; Carolina Development Services, LLC; Summerlake Properties, LLC; RJB Legacy Company f/k/a Barefoot & Company; BMC East, LLC; Airtron, Inc.; MPK Grading and Erosion Control, LLC; Southend Exteriors, LLC; McGee Brothers Company, Inc.; Alpha Omega Construction Group, Inc.; Pender-Pettus Insulating, Inc.; Charlotte Lanehart Electric Company, Inc.; C&C Plumbing, Inc.; Associated Materials, LLC a/k/a Alside, Inc.; T & A Excavating, LLC; Callahan Excavating, LLC a/k/a Callahan Grading & Hauling, Inc. a/k/a Callahan Grading, LLC; AHR Construction, Inc.; JJS Commercial Construction, Inc.; CDJ Construction, Inc.; Jimenez Contractors, LLC; J. Cov Roofing, LLC; Ayalas Window Installations, LLC; Atlanta Flooring Design Centers, Inc.; Pedro DeJesus Lopez d/b/a P JL Construction; and Pedro Villareal-Conception d/b/a CVP Construction, Defendants,

of which True Homes, LLC, is the Appellant.

---

PROOF OF SERVICE

---

I certify that on December 27, 2022, I served the attached Motion to Strike Appellant's Initial Brief, Require Filing of Corrected Initial Brief, and Extend the Time for Respondent's Initial Brief, pursuant to Rule 262, SCACR, and the Supreme Court's May 6, 2022, amended order establishing the methods for electronic filing and service of documents, by emailing a copy to Appellant's counsel of record:

Brian E. Wolfe  
Robert C. Gunst, Jr.  
Joshua R. Hinson  
Wolfe, Campbell, Gunst & Hinson, PLLC

215 Queens Road, Ste. 200  
Charlotte, NC 28204  
bwolfe@wolfe-campbell.com  
rgunst@wolfe-campbell.com  
jhinson@wolfe-campbell.com

*Attorneys for Appellant True Homes, LLC*

December 27, 2022

/s/Elliotte Quinn

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

*Attorneys for Respondent Karin Fuentes and  
Plaintiffs Summerlake Townhomes  
Homeowners' Association, Inc. and Susan  
Hagy*