

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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**May 15 2023**

**SC Court of Appeals**

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Bentley D. Price, Circuit Court Judge  
Case No. 2019-CP-10-04387  
Appellate Case No. 2021-000051

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Applied Building Sciences, Inc.,

Appellant,

v.

South Carolina Department of Commerce,  
Division of Public Railways,

Respondent.

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PROOF OF SERVICE

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I certify that I have served Respondent's Brief in Response to the Joint Amici Curiae Brief of Municipal Association of South Carolina and South Carolina Department of Transportation on Gene M. Connell, Jr., counsel for Appellant, Applied Building Sciences, B. Eric Shytle, counsel for Municipal Association of South Carolina, and Paul D. de Holczer, counsel for South Carolina Department of Transportation, via email to counsel's primary e-mail addresses listed in the Attorney Information System, [gconnell@classactlaw.net](mailto:gconnell@classactlaw.net), [eshytle@masc.sc](mailto:eshytle@masc.sc), and [deHolczerPD@SCDOT.org](mailto:deHolczerPD@SCDOT.org) on May 15, 2023. See attached email.

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Department of Commerce, Division of  
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Columbia, South Carolina  
May 15, 2023

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**To:** [Gene Connell](#); [eshytle@masc.sc](mailto:eshytle@masc.sc); [Deholczer, Paul D.](#)  
**Cc:** [Pat K. McCright](#)  
**Subject:** Applied Building Sciences, Inc. v. SC Department of Commerce, Division of Public Railways, Appellate Case No. 2021-000051  
**Date:** Monday, May 15, 2023 12:28:02 PM  
**Attachments:** [20230515 Proof of Service.pdf](#)  
[20230515 Respondent's Brief in Response to Joint Amici Curiae Brief.pdf](#)

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Counsel,

Attached for service please find Respondent's Brief in Response to the Joint Amici Curiae Brief of Municipal Association of South Carolina and South Carolina Department of Transportation in accordance with Rule 262, SCACR.

The brief will be filed in the Court of Appeals shortly.

Kind regards,

Joe

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**May 15 2023**  
**SC Court of Appeals**



**Joseph B. Berry**

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