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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
The Hon. Jennifer B. McCoy

Appellate Case No. 2022-001170

Civil Action No. 2020-CP-10-02430

Chandler Construction Services, Inc.,..... Appellant,

v.

Bellsouth Telecommunications, LLC, d/b/a AT&T

South Carolina,..... Respondent.

**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF OF CAROLINAS AGC
IN SUPPORT OF APPELLANT CHANDLER CONSTRUCTION SERVICES, INC.**

ELMORE GOLDSMITH KELLEY AND DEHOLL, P.A.

By: *s/Bryan P. Kelley*
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Pursuant to South Carolina Appellate Court Rule 213, Carolinas AGC, Inc. (“CAGC”), by and through its undersign counsel, respectfully requests leave to file an *amicus curiae* brief in support of Appellant Chandler Construction Services, Inc. The proposed brief accompanies this motion for conditional filing.

INTEREST OF AMICUS CURIAE

As a chapter of the Associated General Contractors of America and the American Road & Transportation Builders Association, CAGC is a non-profit construction industry trade association, consisting of contractors and industry professionals working on commercial construction projects throughout North and South Carolina. CAGC works to help provide its members opportunities to build their businesses, educate their employees, and advocates for contractors’ legal rights.

CAGC members work within various construction industries including building construction, utility construction, highway-heavy, road and rail construction, and industrial construction. CAGC works to protect contractors and has an interest in this matter because its members have an interest in maintaining a consist application of the law. CAGC is concerned that the decision below impacts the interruption of the law leading.

DESIRABILITY OF BRIEF OF AMICUS CURIAE

The proposed Amicus Petitioner’s participation in this case is desirable and will benefit the Court by providing a broader explanation of how the trial court’s order that the subject of this appeal impacts the construction industry as a whole.

CONCLUSION

For these reasons, this Court should grant the CAGC’s motion for leave to file the accompanying *amicus curiae* brief in this case.

Respectfully submitted,

ELMORE GOLDSMITH KELLEY AND DEHOLL, P.A.

s/Bryan P. Kelley

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Counsel of Carolinas AGC

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PROOF OF SERVICE

I hereby certify that on June 2, 2023, I have served the *Motion for Leave to File Amicus Curiae Brief of The Carolinas AGC in Support of Appellant Chandler Construction Services, Inc*, pursuant to SCACR 262(c)(3) in the above-captioned action by email, pursuant to The Supreme Court of South Carolina's Order, dated May 6, 2022, to the attorneys of record as follows:

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Respectfully submitted,

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FOR ELECTRONIC FILING:

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211
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Re: *Chandler Construction Services, Inc. v. Bellsouth Telecommunication, Inc. d/b/a AT&T South Carolina*
Court of Common Pleas Case No. 2020-CP-10-02430
Appellate Case No. 2022-001170

Dear Ms. Kitchings:

Please find enclosed a **Motion for Leave to File *Amicus Curiae* Brief in Support of Appellant on Behalf of Carolinas AGC in Support of Appellant Chandler Construction Services, Inc.,** and proof of service in the above-referenced matter.

Thank you for your assistance in this matter. Please do not hesitate to contact me with any questions or concerns.

Very truly yours,

ELMORE GOLDSMITH KELLEY & DEHOLL, P.A.



Bryan P. Kelley

BPK/kos
Enclosures

cc: Elizabeth F. Nicholson, Esquire (*email*)
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