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**Aug 10 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM MARLBORO COUNTY  
Court of Common Pleas

(Case No. 2021-CP-34-00150)

Roger E. Henderson, Presiding Judge

Appellate Case No. 2022-001791

RS&A Piping & Fabrication, Inc. a/k/a R. S. & A. Piping, Inc., ..... Appellant,

v.

Ronald D. Kirby, Dylan T. Kirby, Treasurer for Marlboro County and Danny T. Williams..... Respondents.

**CONSENT MOTION OF INDIVIDUAL RESPONDENTS  
TO FILE A CORRECTED FINAL BRIEF**

Florence, South Carolina

TURNER, PADGET, GRAHAM & LANEY, P.A.

August 10, 2023

J. René Josey (S.C. Bar # 3230)  
Post Office Box 5478  
Florence, SC 29502-5478  
Telephone: (843) 656-4451  
JJosey@TurnerPadget.com

*Attorney for Respondents Ronald D. Kirby, Dylan  
T. Kirby, and Danny T. Williams*

Other Counsel of Record:

Leonard R. Jordan, Jr., Esquire  
Andrew F. Lindemann, Esquire

Individual Respondents filed their Initial Brief in this matter on May 24, 2023. The Final Brief of the Individual Respondents is due Monday, August 14, 2023 based upon the date of service of the Record on Appeal.

*In reviewing the Record on Appeal and preparing the Final Brief for submission, the undersigned found a misstatement of fact in that Initial Brief; as a consequence, the undersigned would propose to delete two sentences from the Final Brief so that no misstatement is made.* Because such changes are not generally allowed by Rule 211(b)(2) of the South Carolina Appellate Court Rules, this Motion is made seeking leave to file such a Final Brief. The two sentences that the undersigned would propose to delete are found in the Statement of Facts on pages 5 and 6 of the Initial Brief.

Those sentences, which misstate the record, state the following:

Moreover, the Brief's suggestion that "Williams began removing and/or disposing of Appellant's personal property... and Kirby's continued removing and/or disposing of the Appellant's personal property", Appellant's Brief at 7, is denied. ROA at (Answer ¶), This claim was unsupported in the trial record when the dispositive decision was made and thus, is without evidentiary support in this appellate record.

**Counsel for all other parties have seen this written motion and consented, in writing.**

**(See Email Chain attached).**

Florence, South Carolina

August 10, 2023

Respectfully submitted,

TURNER, PADGET, GRAHAM & LANEY, P.A.

s/ J. Rene Josey

J. René Josey (S.C. Bar # 3230)

Post Office Box 5478

Florence, SC 29502-5478

Telephone: (843) 656-4451

JJosey@TurnerPadget.com

*Attorney for Respondents Ronald D. Kirby, Dylan T. Kirby, and Danny T. Williams*

## Josey, J. Rene

---

**From:** Josey, J. Rene  
**Sent:** Thursday, August 10, 2023 9:24 AM  
**To:** Andrew Lindemann; 'Leonard Jordan'  
**Cc:** Josey, J. Rene  
**Subject:** RE: Case No. 2022-001791; RS&A Piping v Kirby, et al.

Roger – thank you both.

---

**From:** Andrew Lindemann <[Andrew@ldlawsc.com](mailto:Andrew@ldlawsc.com)>  
**Sent:** Thursday, August 10, 2023 9:22 AM  
**To:** 'Leonard Jordan' <[ljordan@ljordanlaw.com](mailto:ljordan@ljordanlaw.com)>; Josey, J. Rene <[JJosey@TurnerPadget.com](mailto:JJosey@TurnerPadget.com)>  
**Subject:** RE: Case No. 2022-001791; RS&A Piping v Kirby, et al.

Rene, I consent as well. -- Andrew

---

**From:** Leonard Jordan <[ljordan@ljordanlaw.com](mailto:ljordan@ljordanlaw.com)>  
**Sent:** Thursday, August 10, 2023 9:20 AM  
**To:** Josey, J. Rene <[JJosey@TurnerPadget.com](mailto:JJosey@TurnerPadget.com)>  
**Cc:** Andrew Lindemann <[Andrew@ldlawsc.com](mailto:Andrew@ldlawsc.com)>  
**Subject:** RE: Case No. 2022-001791; RS&A Piping v Kirby, et al.

I confirm.

Leonard

**Leonard R. Jordan, Jr.**  
**JORDAN LAW FIRM**  
**211 Veterans Road, Suite D**  
**Columbia, South Carolina 29209**  
**(803) 255-0650 Direct**  
**(803) 726-1950 Office**  
**(803) 726-1951 Fax**  
**[ljordan@ljordanlaw.com](mailto:ljordan@ljordanlaw.com)**

---

**From:** Josey, J. Rene <[JJosey@TurnerPadget.com](mailto:JJosey@TurnerPadget.com)>  
**Sent:** Thursday, August 10, 2023 9:19 AM  
**To:** Leonard Jordan <[ljordan@ljordanlaw.com](mailto:ljordan@ljordanlaw.com)>  
**Cc:** Josey, J. Rene <[JJosey@TurnerPadget.com](mailto:JJosey@TurnerPadget.com)>; Andrew Lindemann <[Andrew@ldlawsc.com](mailto:Andrew@ldlawsc.com)>  
**Subject:** RE: Case No. 2022-001791; RS&A Piping v Kirby, et al.

Leonard,

Thanks for your phone call of consent this morning; if you get a chance, please confirm same by REPLY email so I can document my file.

Thanks again, Rene'

J. Rene Josey

Attorney

PO Box 5478 | Florence, SC 29502

1831 West Evans Street, Suite 400| Florence, SC 29501

843-656-4451 | Fax 843-413-5818

jjosey@turnerpadget.com

[Bio](#) | [vCard](#) | [Location](#)

**From:** Josey, J. Rene

**Sent:** Wednesday, August 9, 2023 5:41 PM

**To:** [ljordan@ljordanlaw.com](mailto:ljordan@ljordanlaw.com); Andrew Lindemann <[Andrew@ldlawsc.com](mailto:Andrew@ldlawsc.com)>

**Cc:** Josey, J. Rene <[JJosey@TurnerPadget.com](mailto:JJosey@TurnerPadget.com)>

**Subject:** RE: Case No. 2022-001791; RS&A Piping v Kirby, et al.

Gentlemen,

I have left you each a voicemail this afternoon regarding this matter.

To my embarrassment, I found a misstatement of fact in my Initial Brief --- to correct this error, I am proposing to delete two sentences without any other changes in my Final Brief.

Because this is generally not allowed by Rule 211, I am going to ask the Court by the attached Motion – to allow this correction.

I plan to file the Motion tomorrow – and plan to call the clerk’s office to alert them to my request.

Will you (please) consent to the Motion? Or not oppose it? I would like to so advise the Court in the motion – and advise the Court staff.

I apologize for this error. Please call me if you wish to discuss.

Rene’

J. Rene Josey

Attorney

PO Box 5478 | Florence, SC 29502

1831 West Evans Street, Suite 400| Florence, SC 29501

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jjosey@turnerpadget.com

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RS&A Piping & Fabrication, Inc. a/k/a R. S. & A. Piping, Inc.,.....Appellant,

v.

Ronald D. Kirby, Dylan T. Kirby, Treasurer for Marlboro County and Danny T. Williams.....Respondents.

**PROOF OF SERVICE**

I, Jon Rene Josey, attorney for the Respondents Ronald D. Kirby, Dylan T. Kirby and Danny T. Williams, hereby certify that I have this 10<sup>th</sup> day of August, 2023, served the Motion to File Corrected Final Brief of Respondents Ronald D. Kirby, Dylan T. Kirby and Danny T. Williams upon Leonard R. Jordan, Jr., Attorney for Appellant, R. S. & A. Piping, Inc. and Andrew F. Lindemann, Esquire, Attorney for Respondent, Treasurer for Marlboro County, by E-Mailing to them at the addresses indicated below:

Leonard R. Jordan, Jr., Esquire  
Jordan Law Firm  
211 Veterans Road, Suite D  
Columbia, SC 29209  
[ljordan@ljordanlaw.com](mailto:ljordan@ljordanlaw.com)

Andrew F. Lindemann, Esquire  
Lindemann Law Firm, P.A.  
Post Office Box 6923  
Columbia, SC 29260  
[Andrew@ldlawsc.com](mailto:Andrew@ldlawsc.com)

s/J. Rene Josey  
Jon Rene Josey, Esquire

Aug 10 2023

SC Court of Appeals

J. René Josey

REPLY TO:

E-Mail: [JJosey@TurnerPadget.com](mailto:JJosey@TurnerPadget.com)  
Writer's Direct Dial: (843) 656-4451  
Writer's Direct Fax: (843) 413-5818

August 10, 2023

**VIA EMAIL ([ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)) AND US MAIL**

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

Re: RS&A Piping & Fabrication, Inc. a/k/a R. S. & A. Piping, Inc. v. Ronald D. Kirby, Dylan T. Kirby, Treasurer for Marlboro County and Danny T. Williams  
Appellate Case No.: 2022-001791  
TPGL File No.: 18280.101

Dear Ms. Kitchings:

Pursuant to Section (b)(2) of the Supreme Court's Order RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules, please find enclosed for filing a Consent Motion of Respondents Ronald D. Kirby, Dylan T. Kirby, and Danny T. Williams' to File a Corrected Final Brief along Certificate of Service and our firm's check in the amount of \$50 for the requisite filing fee. Please file the Motion and Certificate of Service and return filed copies to me via e-mail.

Thank you for your help with this matter.

Sincerely,

TURNER PADGET GRAHAM & LANEY P.A.

J. René Josey, Esquire

JRJ/alb/Enclosures

cc: Leonard R. Jordan, Esq. (Via E-Mail)(w/ enc)  
Andrew F. Lindemann, Esq. (Via E-Mail)(w/ enc)

Turner, Padgett, Graham & Laney, P.A.

South State Bank  
Columbia, South Carolina

P.O. Box 1473  
Columbia, SC 29202

67 98/532

Date August 10, 2023

Memo.

Pay Fifty and 00/100\*\*\*\*\* \$ \*\*\*50.00\*\*\*

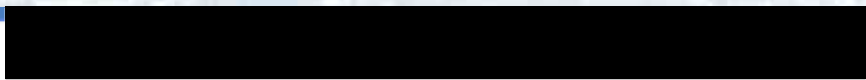
PAY TO THE ORDER OF: S. C. Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Turner, Padgett, Graham & Laney, P.A.  
Columbia General Account

*Annemarie W. Ketchen*



HEAT



Payee: S. C. Court of Appeals

Check #: [Redacted]

Vendor ID: [Redacted] **Britt, Ashley L.**

Request Number: [Redacted]

Check Date: Aug 10/23

Invoice Num	Invoice Date	Reference	Invoice Amount	Amount Paid	Discount Taken	Payment Amt
[Redacted]	Aug 10/23	[Redacted]	\$50.00	\$50.00	\$0.00	\$50.00
Totals:			\$50.00	\$50.00	\$0.00	\$50.00