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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

NOV 30 2023

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS
THE HONORABLE BENTLEY D. PRICE, CIRCUIT COURT JUDGE

CIVIL ACTION NO. 2021-CP-10-03090

Jared S. O'Connell and Harmony A. O'Connell,

Plaintiffs/Respondents,

versus

House Therapy Holdings, LLC; Amanda F. Dempsey; William T. Phillips;
Matthew B. Swain; Daniel Ravenel Company Sotheby's International Realty;
Artis Construction, LLC; Oceanaire, LLC; Hero Heating & Air;
Custom Climate Heating & Air, Inc.; P.J. Sanchez Masonry, LLC;
Donnix Construction, LLC; Guillen Carpentry, LLC; Charleston Exteriors, LLC;
Ashley Oak Contracting, LLC; H20 Pro, LLC; La Roca Masonry, LLC;
Apex Contractors, LLC; South Point Hardwood Floor, LLC; Bluetape Solutions, LLC;
Carolina Climate Control, LLC; Movar, LLC; and ECL Design, LLC,

Defendants,

Of whom

Artis Construction, LLC is

Appellant.

and

Artis Construction, LLC,

Cross-Claim Plaintiff/Appellant,

versus

House Therapy Holdings, LLC; Amanda F. Dempsey;
William T. Phillips; and Matthew B. Swain,

Cross-Claim Defendants/Respondents.

NOTICE OF APPEAL

Artis Construction, LLC, as Appellant, appeals from the following orders of The Honorable Bentley D. Price: (1) Order entitled “Order Denying Artis Construction LLC’s Motion for Summary Judgment as to Plaintiffs,” filed September 1, 2023, which in substance grants summary judgment to Plaintiffs by making conclusive factual findings and rulings in favor of the Plaintiffs on the merits of their Unfair Trade Practices Claim; (2) Order entitled “Order Denying Motion for Summary Judgment,” filed September 1, 2023, which in substance grants summary judgment to the Cross-Claim Defendants by precluding as a matter of law Appellant’s recovery on its breach of contract, indemnification, and fraud claims; (3) Form 4 Order, filed September 19, 2023; (4) Form 4 Order, filed September 27, 2023; and (5) Order Denying Appellant’s Motions to Reconsider, Alter, and/or Amend, filed November 8, 2023.

The above-referenced orders are immediately appealable because such orders “involv[e] the merits,” S.C. CODE ANN. § 14-3-330(1), and “affect[] a substantial right,” particularly because such orders (1) “in effect determin[e] the action and prevent[] a judgment from which an appeal might be taken or discontinu[e] the action” and (2) “strike[] out an answer or any part thereof or any pleading in any action.” § 14-3-330(2).

Appellant received written notice of the entry of the Order Denying Appellant’s Motions to Reconsider, Alter, and/or Amend on November 8, 2023.

(signature on following page)

Respectfully submitted,

/s Carmen V. Ganjehsani

Carmen V. Ganjehsani (S.C. Bar No. 73515)
RICHARDSON, PLOWDEN & ROBINSON, PA
Post Office Drawer 7788
Columbia, South Carolina 29202
(803) 771-4400
cganjehsani@richardsonplowden.com

James H. Elliott, Jr. (S.C. Bar No. 13620)
Cameron D. Berthelsen (S.C. Bar No. 104849)
235 Magrath Darby Blvd., Ste. 100
Mt. Pleasant, SC 29464
(843) 805-6550
jelliott@richardsonplowden.com
cberthelsen@richardsonplowden.com
ATTORNEYS FOR APPELLANT
ARTIS CONSTRUCTION, LLC

November 30, 2023.

Other Counsel of Record:

Amanda M. Blundy (S.C. Bar No. 73069)
English H. Maull (S.C. Bar No. 104321)
BLUNDY LAW FIRM, LLC
234 Seven Farms Drive, Suite 111-A
Charleston, SC 29492
(843) 867.6050
ablundy@blundylawfirm.com
emaull@blundylawfirm.com
ATTORNEYS FOR PLAINTIFFS/RESPONDENTS
JARED S. O'CONNELL AND HARMONY A. O'CONNELL

William W. Watkins, Jr. (S.C. Bar No. 73852)

Ford H. Thrift (S.C. Bar No. 103294)

WALL TEMPLETON & HALDRUP, P.A.

145 King Street, Suite 300

Post Office Box 1200

Charleston, South Carolina 29402

(843) 329-9500

Trey.Watkins@walltempleton.com

Ford.Thrift@walltempleton.com

ATTORNEYS FOR CROSS-CLAIM DEFENDANTS/RESPONDENTS

HOUSE THERAPY HOLDINGS, LLC,

AMANDA F. DEMPSEY, WILLIAM T. PHILLIPS, AND

MATTHEW B. SWAIN

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CERTIFICATE OF SERVICE SC Court of Appeals

I, the undersigned, an employee of Richardson Plowden & Robinson, P.A., for Appellant, Artis Construction, LLC, do hereby certify that I have this date served the foregoing Notice of Appeal, dated November 30, 2023, and attached Orders, by: (1) filing a copy of the same with The Honorable Julie J. Armstrong, Charleston County Clerk of Court, using the South Carolina Courts E-Filing System; and (2) pursuant to Section (d)(1) of the Supreme Court's Order dated May 6, 2022 on the following counsel of record using the primary email addresses listed in the Attorney Information System (if applicable):

Amanda M. Blundy
English H. Maull
BLUNDY LAW FIRM, LLC
234 Seven Farms Drive, Suite 111-A
Charleston, SC 29492
(843) 867.6050
ablundy@blundylawfirm.com
emaull@blundylawfirm.com
**ATTORNEYS FOR
PLAINTIFFS/RESPONDENTS
JARED S. O'CONNELL AND
HARMONY A. O'CONNELL**

William W. Watkins, Jr.
Ford H. Thrift
WALL TEMPLETON & HALDRUP, P.A.
145 King Street, Suite 300
Post Office Box 1200
Charleston, South Carolina 29402
(843) 329-9500
Trey.Watkins@walltempleton.com
Ford.Thrift@walltempleton.com
**ATTORNEYS FOR CROSS-CLAIM
DEFENDANTS/RESPONDENTS
HOUSE THERAPY HOLDINGS, LLC,
AMANDA F. DEMPSEY, WILLIAM T.
PHILLIPS, AND
MATTHEW B. SWAIN**

A copy of the sent email is enclosed with this Certificate of Service.

/s Carmen V. Ganjehsani
Carmen V. Ganjehsani
S.C. Bar No. 73515
RICHARDSON, PLOWDEN & ROBINSON, PA
Post Office Drawer 7788
Columbia, South Carolina 29202
(803) 771-4400
ATTORNEYS FOR APPELLANT

Date: November 30, 2023.



COLUMBIA P.O. Drawer 7788 • Columbia, SC 29202
1900 Barnwell St., Columbia, SC 29201 P 803-771-4400 F 803-779-0016

MYRTLE BEACH P.O. Box 3646 • Myrtle Beach, SC 29578
2103 Farlow St., Suite B, Myrtle Beach, SC 29577 P 843-448-1008 F 843-448-1533

CHARLESTON P.O. Box 21203 • Charleston, SC 29413
235 Magrath Darby Blvd., Mount Pleasant, SC 29464 P 843-805-6550 F 843-805-6599

www.RichardsonPlowden.com

REPLY TO: Columbia
E-Mail: cganjehsani@richardsonplowden.com
Direct Dial: (803) 253-8692

November 30, 2023

Via hand delivery and e-mail (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
Clerk of Court, S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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NOV 30 2023
SC Court of Appeals

Re: O'Connell v. Artis Construction, LLC
Case No. 2021-CP-10-03090
RPR File No.: 08606-00090

Dear Ms. Kitchings:

Enclosed for filing is the Notice of Appeal of the Appellant, Artis Construction, LLC, in the above-referenced case, along with a copy of the Orders appealed from and our Certificate of Service. We are also filing this Notice of Appeal electronically with the Court of Appeals via e-mail at ctappfilings@sccourts.org pursuant to Section (b)(2) of the Supreme Court's Order dated May 6, 2022.

Also enclosed is our firm's check in the amount of \$250.00 for the filing fee in this matter.

We are serving this Notice of Appeal on the Clerk of Court for Charleston County using the South Carolina Courts E-Filing System and via e-mail on all counsel of record pursuant to Section (d)(1) of the Supreme Court's Order dated May 6, 2022.

We have already received the transcript, and by our calculations, the Initial Appellant's Brief and Designation of Matter to be Included in the Record on Appeal will be due January 2, 2024.

Should you have any questions regarding this matter, please do not hesitate to call.

Sincerely,

/s Carmen V. Ganjehsani

Carmen V. Ganjehsani

The Honorable Jenny Abbott Kitchings

November 30, 2023

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Enclosures

cc: Amanda M. Blundy (ablundy@blundyfirm.com)
English H. Maull (emaull@blundyfirm.com)
William W. Watkins, Jr. (Trey.Watkins@walltempleton.com)
Ford H. Thrift (Ford.Thrift@walltempleton.com)
James H. Elliott, Jr. (jelliott@richardsonplowden.com)
Cameron D. Berthelsen (cberthelsen@richardsonplowden.com)