THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas
J. Mark Hayes, II, Circuit Court Judge

Case No. 2019-CP-46-00051

Appellate Case No. 2023-001103

Daniel P. Cedrone and Poly-Tech Industrial, Inc., ... Respondents,

v.

Composite Resources, Inc.,..... Appellant.

Motion for Leave to Supplement Record on Appeal and File Amended Final Reply Brief

---

Pursuant to Rule 212(b), SCACR, Appellant Composite Resources, Inc. ("CRI") respectfully moves for leave to supplement the Record on Appeal and file an Amended Final Reply Brief.

The ground for this motion is that in the course of preparing CRI's Final Reply Brief (filed January 30, 2024), counsel discovered that a pleading referenced in both the initial and final reply briefs was inadvertently omitted from the Designation of Matter and Record on Appeal.

More specifically, footnote 52 on page 23 of Appellant's reply brief cites to "Reply ISO Supp. at 4–8," referring to the December 5, 2022 Reply to Plaintiffs' Response in Opposition to Defendant's Supplement to Motion to Reconsider, Clarify, Alter, or Amend Order Granting Plaintiffs' Motion for Partial Summary Judgment (the "December 5, 2022 Reply," attached hereto

as Exhibit A):

court"[51]—governs CRI's motion to reconsider.[52]

Since Respondents declined to address Cedrone's many dispositive admissions reflected in pp. 28–34 of Appellant's Brief, CRI will not rehash them here. As to the secondary question identified above in Section I, if the trial court relied on the extrinsic evidence as an alternative sustaining ground, that was error because of the many genuine issues of material fact, and that portion of the summary judgment should be vacated or reversed.

VI. Under South Carolina law, as applied to the trial court's determination that CRI unilaterally controls whether it will keep making the CAT, Annex C is a perpetual obligation and terminable at will.

CRI is not "attempting to obtain appellate review of a non-appealable denial of summary judgment." Resp. Br., 38. CRI's "Motion and Memorandum for Contract Construction" was not a motion for summary judgment. The trial court certainly did not interpret it as such, making a point to highlight that "[n]o rule of civil procedure was referenced to the Court in the motion,"[53] and that CRI "did not cite a rule of civil procedure under which it was seeking 'motion' relief."[54]

CRI's argument that Respondents' proposed interpretation of the Phil Durango provision renders it perpetual and terminable at will by either party was not the basis of a cross-motion for summary judgment. Instead, CRI made the argument to further illustrate why Respondents'

---

[51] *See, e.g.*, *Gallant v. Telebrands Corp.*, 35 F.Supp.2d 378, 394 (D.N.J. 1998) (predicating Rule 54(b) reconsideration on whether "the parties proffer 'supplemental evidence or new legal theories'"); *Neal v. Honeywell*, 1996 WL 627616, at *2 (N.D. Ill. 1996) (noting that Rule 54(b) motions for reconsideration are "best characterized as a common law motion for reconsideration" to be granted where "a controlling or significant change in the law or facts [has occurred] since the submission of the issue to the Court" (emphasis added)). Thus, Rule 54(b) "departs" from the Rule 59(e) standard by "accounting for potentially different evidence discovered during litigation as opposed to the discovery of 'new evidence not available at trial.'" *See Carlson v. Bos. Sci. Corp.*, 856 F.3d 320, 325 (4th Cir. 2017).

[52] Reply ISO Supp. at 4–8.

[53] Reply ISO Motion to Reconsider, Ex. A.

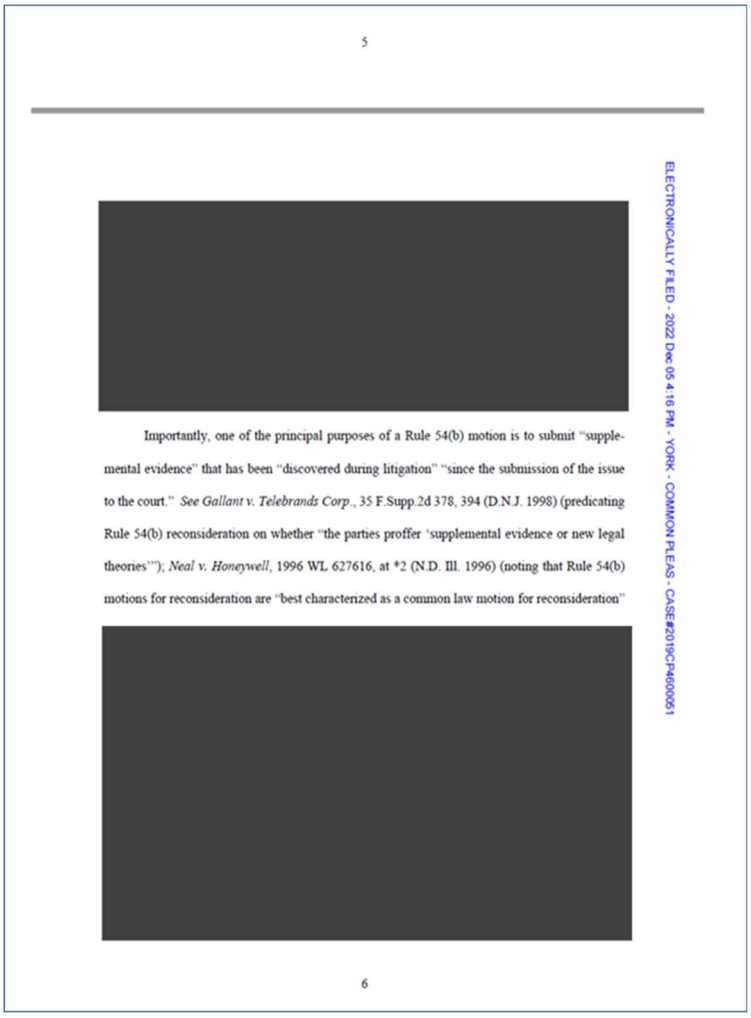
[54] Order, 16.

23

The nine-page December 5, 2022 Reply was presented to the lower court and is relevant to this appeal because it addresses Respondents' attempts to downplay the significance of the November 2, 2022 deposition testimony of Dan Cedrone (discussed on pages 28–34 of Appellant's

Brief) to the summary judgment ruling under review. Accordingly, the December 5, 2022 Reply is appropriate for inclusion in the record. *See* Rules 209(b), 210(c), SCACR.

Footnote 52 is the sole reference to the December 5, 2022 Reply in the appellate briefing. It has been referenced since the initial briefs were filed, and thus Respondents will not be prejudiced by its inclusion in the Record on Appeal. In fact, during the meet-and-confer process preceding the filing of this motion, Respondents expressed their willingness to consent to the supplementation on the condition that CRI seek to supplement the record with "a redacted version of the REPLY, leaving only the caption, the text in the snippet below, and the signature page." Respondents' proposed "snippet" was as follows:



5

[redacted]

Importantly, one of the principal purposes of a Rule 54(b) motion is to submit "supplemental evidence" that has been "discovered during litigation" "since the submission of the issue to the court." *See Gallant v. Telebrands Corp.*, 35 F.Supp.2d 378, 394 (D.N.J. 1998) (predicating Rule 54(b) reconsideration on whether "the parties proffer 'supplemental evidence or new legal theories'"); *Neal v. Honeywell*, 1996 WL 627616, at *2 (N.D. Ill. 1996) (noting that Rule 54(b) motions for reconsideration are "best characterized as a common law motion for reconsideration"

[redacted]

6

ELECTRONICALLY FILED - 2022 Dec 05 4:16 PM - YORK - COMMON PLEAS - CASE#2019CP4600051

However, Rule 210(c), SCACR, provides: "When a portion of an order, judgment, decision or pleading is to be included in the Record on Appeal, *the entire* order, judgment, decision or pleading shall be included in the Record . . . ." (emphasis added)).

Based on the foregoing, CRI respectfully requests that the Court grant it leave to supplement the Record on Appeal with the December 5, 2022 Reply and to file an Amended Final Reply Brief revised only to include a proper citation to the Supplemental Record on Appeal.

Respectfully submitted,

JOHN B. WHITE, JR., P.A.
By: */s/ Marghretta H. Shisko*
John B. White, Jr. (S.C. Bar No. 5996)
Marghretta H. Shisko (S.C. Bar No. 100106)
Griffin L. Lynch (S.C. Bar No. 72518)
Chris Jones (S.C. Bar No. 101265)
291 S. Pine Street
P.O. Box 2465 (29304)
Spartanburg, SC 29302
(864) 594-5988
jwhite@johnbwhitelaw.com
mshisko@johnbwhitelaw.com
glynch@johnbwhitelaw.com
cjones@johnbwhitelaw.com

BURR & FORMAN, LLP
William Y. Klett, III (SC Bar No. 64822)
Paul D. Harrill (SC Bar No. 15268)
P.O. Box 11390
Columbia, SC 29211
(803) 799-9800
wklett@burr.com
pharrill@burr.com

KAESKE LAW FIRM
Michael Kaeske
Texas State Bar No. 00794061
1301 W 25th St Ste 406
Austin, TX 78705
Telephone: (512) 366-7300
Facsimile: (877) 826-1221
mikekaeske@gmail.com

MARTIN APPEALS, PLLC
Jeremy C. Martin
Texas State Bar No. 24033611
2101 Cedar Springs Rd.
Ste. 1540
Dallas, TX 75201
Telephone: 214-488-5021
jmartin@martinappeals.com

Admitted Pro Hac Vice

Attorneys for Appellant Composite Resources, Inc.

February 5, 2024

STATE OF SOUTH CAROLINA **COUNTY OF YORK**	**IN THE COURT OF COMMON PLEAS** **CASE NO.: 2019-CP-46-00051**
Daniel P. Cedrone and Poly-Tech Industrial, Inc. Plaintiffs, v. Composite Resources, Inc., Defendant.	**DEFENDANT'S REPLY TO PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANT'S SUPPLEMENT TO MOTION TO RECONSIDER, CLARIFY, ALTER, OR AMEND ORDER GRANTING PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

Mindful of the significant briefing that has been submitted since the September 29, 2022 Order Granting Plaintiffs' Motion for Partial Summary Judgment (the "September 29 Order"), Defendant Composite Resources, Inc. ("CRI") files this short reply to address the arguments in Plaintiffs' Response in Opposition to Defendant's Supplement to Motion to Reconsider (the "Response") that Plaintiff Dan Cedrone's new deposition testimony should be "ignored" as untimely, unavailable, or waived. For the reasons set forth herein, CRI's timely filed Motion to Reconsider pursuant to Rules 52 and 59, SCRCP, does not prevent the Court from also considering Plaintiff Cedrone's new deposition testimony in deciding the Motion to Reconsider.

I. CRI timely filed a motion pursuant to Rules 52 and 59 not only to reconsider the September 29 Order, but also out of an abundance of caution to preserve CRI's appellate rights.

CRI's position has always been that the September 29 Order is interlocutory.[1] CRI filed the Motion to Reconsider pursuant to Rule 59 in part because the September 29 Order was drafted

[1] Motion to Reconsider, 14 ("[I]t was and remains CRI's understanding that this Court intended to grant partial summary judgment on the meaning of certain terms, but *not* to grant Plaintiffs' judgment on the question of liability.").

in such a way that it might be perceived as final. Plaintiffs have now admitted that the September 29 Order is interlocutory, but their untimeliness, unavailability, and waiver arguments ignore that.

As CRI has already emphasized, in opposing CRI's motion to reconsider the September 29 Order, Plaintiffs have incorrectly relied on standards "for reconsideration of a *final* judgment, rather than the standard for reconsideration of an interlocutory order, like the September 29 Order."[2] However, even though the September 29 Order is interlocutory, it is nonetheless immediately appealable under S.C. Code Ann. § 14-3-330(1) because it "involv[es] the merits" and "finally determines" the contract interpretation issue, which is central to the breach of contract claim. *See Thornton v. S.C. Elec. & Gas Corp.*, 391 S.C. 297, 306, 705 S.E.2d 475, 480 (Ct. App. 2011). As such, for CRI to preserve its interlocutory appellate rights, CRI had to timely serve and file a motion for reconsideration, which CRI did on October 10, 2022. *See* Rule 203(b)(1), SCACR (providing that the 30-day period for serving a notice of appeal from an order is stayed "[w]hen a timely . . . motion to alter or amend the judgment (Rules 52 and 59, SCRCP) . . . has been made").

Since these summary judgment proceedings began, the threshold scope of Plaintiffs' summary judgment has been unclear. Although entitled a "Motion for *Partial* Summary Judgment"—i.e., an *interlocutory* summary judgment—the motion describes itself twice as a motion for a "final" summary judgment.[3] And while the first 13 pages of the motion argue that "certain terms" are unambiguous and should be interpreted as a matter of law, the last page of the motion abruptly requests *liability* findings regarding past, present, and future commission payment obligations.

[2] Defendant's Reply in Support of Motion to Reconsider, 2.

[3] MPSJ, 1 ("mov[ing] for *final* partial summary judgment" (emphasis added)); *id.* (describing the "purpose of this motion for partial summary *final* judgment" (emphasis added)).

Fortunately, in the summary judgment hearings, the Court properly observed that Plaintiffs were attempting to go beyond the scope of their *partial* summary judgment motion, remarking at the hearing:

> I know Mr. Munson has walked in here and stated the end part of his argument, which is he wanted me to find a breach. I never saw that's what the purpose of this is. On the issue—therefore, I did not view this argument today to be one that would lead to liability or no liability or breach or no breach.[4]

Even so, Plaintiffs' proposed order created further uncertainty as to the interlocutory/final nature of the summary judgment order, decreeing that CRI "was and is obligated to pay" commissions, including amounts that have "not already been paid," and for all tourniquets "which are sold in the future" until they "stop being produced and sold."[5] And when CRI objected that Plaintiffs' proposed order went well beyond the scope of the motion, Plaintiffs argued that CRI's objection "only operates *after liability is determined*" and thus "should not prohibit entry of the proposed Order."[6]

Accordingly, when the September 29 Order was entered as drafted by Plaintiffs, CRI was understandably concerned that the Court and a reviewing court might interpret the September 29 Order as a final summary judgment as to CRI's liability for breach of contract, subject only to—in Plaintiffs' words—"a mathematical calculation."[7] However, as set forth in CRI's motion to reconsider, the September 29 Order did not rule on issues raised and arguments made by CRI relating to its commission obligation.[8] Considering the then-uncertainty as to the September 29 Order's finality, to prevent the time running for serving a notice of appeal and to preserve the issues and

[4] Exhibit A to Defendant's Motion to Reconsider, Hrg. Tr. 5/4/2022 at 26.
[5] September 29 Order, 18.
[6] Exhibit A to Defendant's Reply in Support of Motion to Reconsider.
[7] Plaintiffs' Resp. to Motion to Reconsider, 3.
[8] Again, as CRI discussed in the principal motion, the September 19 Order does not address, *inter alia*, CRI's affirmative defense of prior material breach or CRI's summary judgment evidence reflecting Plaintiffs' material prior breaches of Article II's non-compete and no-conflict-of-interest provisions, which would preclude a liability finding against CRI.

arguments related to the September 29 Order for appeal, CRI timely filed a Rule 59(e) motion. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 15, 602 S.E.2d 772, 775 (2004); *Walsh v. Woods*, 371 S.C. 319, 325, 638 S.E.2d 85, 88 (Ct. App. 2006); Rule 203(b)(1), SCACR.

II. CRI's motion to reconsider and its supplement are timely, and the supplement appropriately presents new deposition testimony because the September 29 Order is interlocutory, rather than final.

In response to CRI's motion to reconsider, Plaintiffs conceded *for the first time* that the September 29 Order does *not* impose liability on CRI, characterizing "the suggestion that the Order imposes 'liability on Defendant" as "false."[9] Plaintiffs have now judicially admitted that the September 29 Order is interlocutory, not final, and thus is subject to revision at any time "before the entry of *judgment* adjudicating all the claims and the rights and liabilities of all the parties." Rule 54(b), SCRCP (emphasis added). Nevertheless, Plaintiffs continue to cite cases addressing post-*final judgment* motions for reconsideration, ignoring that Rule 54(b), SCRCP, which has no deadline, expressly provides that an *interlocutory* order—like the September 29 Order—"is subject to revision *at any time* before the entry of *judgment* adjudicating all the claims and the rights and liabilities of all the parties." Rule 54(b), SCRCP (emphasis added).

CRI has been unable to locate South Carolina State Court case law addressing the interplay between Rules 54(b) and 59(e). Accordingly, federal courts' interpretation provides guidance. *See Auto-Owners Ins. Co. v. Rhodes*, 405 S.C. 584, 594, 748 S.E.2d 781, 786 (2013) ("Because our appellate courts have not definitively addressed Rule 60(b)(5), we have looked to the federal courts' interpretation as our rule is similar to the federal rule."); *see also* Note to Rule 54, SCRCP ("Rules 54(b)-(d) are substantially the Federal Rule."); Note to Rule 59, SCRCP ("This Rule 59 is substantially the Federal Rule.").

[9] Plaintiffs' Resp. to Motion to Reconsider, 6.

In *Regan v. City of Charleston*, 40 F. Supp. 3d 698 (D.S.C. 2014), the movant filed a motion to reconsider "pursuant to Rule 59(e)," but because the order at issue "was an interlocutory order," the district court held that the motion "is more appropriately considered in the context of 'the [C]ourt's inherent power to reconsider and revise any interlocutory order, as recognized by Rule 54(b).'" *Id.* at 701 ("Accordingly, the Court construes the present Motion as brought pursuant to Rule 54(b) of the Federal Rules of Civil Procedure."). Similarly, CRI's motion to reconsider—including the supplement thereto—is also properly construed as a timely filed Rule 54(b), SCRCP, motion.

Like its federal counterpart, Rule 54(b), SCRCP, contains no deadline for filing motions for reconsideration of interlocutory orders and, as noted above, such motions may be resolved "at any time before entry of judgment." Rule 54(b), SCRCP; *see also Howard v. W. Virginia Div. of Corr.*, No. 2:13-CV-11006, 2016 WL 1173152, at *5 (S.D.W. Va. Mar. 22, 2016) ("Rule 54(b) contains no express deadline for filing such a motion and, as noted above, such motions may be resolved at any time prior to the entry of a final judgment. Accordingly, Plaintiff's original motion for reconsideration . . . is considered to have been 'timely filed.'"); *In re New Bern Riverfront Dev., LLC*, No. 09-10340-8-SWH, 2015 WL 1320255, at *2 (Bankr. E.D.N.C. Mar. 17, 2015) ("JMW's motion to reconsider is styled as one under Rules 59(e) and 60(b) of the Federal Rules of Civil Procedure, which apply only to final judgments. Thus, *the court will treat the motion as one under Rule 54*." (emphasis added)).

Plaintiffs' recent admission that the September 29 Order is interlocutory renders the motion to reconsider more appropriately treated as one under Rule 54(b). But for purposes of the Court's reconsideration, the distinction is one without much difference, since motions under both Rules 59(e) and 54(b) utilize a similar analysis. Rule 54(b) motions are "not subject to the strict standards

applicable to motions for reconsideration of a final judgment," but district courts in the Fourth Circuit, "in analyzing the merits of a Rule 54 motion, look to the standards of motions under Rule 59 for guidance." *South Carolina v. United States*, 232 F. Supp. 3d 785, 792–93 (D.S.C. 2017). Accordingly, CRI's prior Motion to Reconsider briefing still directly meets the appliable reconsideration standards, regardless of whether the Court treats the motion as one under Rule 54(b) or Rule 59(e). In fact, this entire Rule 59(e)/54(b) discussion was prompted by Plaintiffs' untimeliness, unavailability, and waiver objections to Plaintiff Dan Cedrone's new deposition testimony.

Importantly, one of the principal purposes of a Rule 54(b) motion is to submit "supplemental evidence" that has been "discovered during litigation" "since the submission of the issue to the court." *See Gallant v. Telebrands Corp*., 35 F.Supp.2d 378, 394 (D.N.J. 1998) (predicating Rule 54(b) reconsideration on whether "the parties proffer 'supplemental evidence or new legal theories'"); *Neal v. Honeywell*, 1996 WL 627616, at *2 (N.D. Ill. 1996) (noting that Rule 54(b) motions for reconsideration are "best characterized as a common law motion for reconsideration" to be granted where "a controlling or significant change in the law *or facts* [has occurred] since the submission of the issue to the Court" (emphasis added)). Thus, Rule 54(b) "departs" from the Rule 59(e) standard by "accounting for potentially different evidence *discovered during litigation* as opposed to the discovery of 'new evidence not available at trial.'" *See Carlson v. Bos. Sci. Corp*., 856 F.3d 320, 325 (4th Cir. 2017) (emphasis added).

Vacation or alteration of a partial summary judgment order pursuant to Rule 54(b) is proper where, as here, the parties proffer "supplemental evidence." *Gallant*, 35 F. Supp. 2d at 394 (quoting *Garrett*, 1989 WL at *2) (reconsidering partial summary judgment on the basis of additional evidence); *Procter & Gamble Co. v. Paragon Trade Brands, Inc*., 15 F.Supp.2d 406, 415 n.8 (D. Del. 1998) ("The discovery of new evidence that would alter an earlier ruling is a basis for revising

a non-final order under Rule 54(b)."); *Hatco Corp. v. W.R. Grace & Co*., 849 F. Supp. 987, 990 (D.N.J. 1994) (new evidence permits reconsideration of previous decision). In fact, "[t]he purpose of a motion for reconsideration is the correction of manifest errors of law or fact or to *present newly discovered evidence*." *Walker by Walker v. Pearl S. Buck Found., Inc*., No. CIV. A. 94-1503, 1996 WL 706714, at *2 (E.D. Pa. Dec. 3, 1996) (emphasis added). "*Very often*, this obligation *requires* the moving party to produce 'newly discovered, non-cumulative evidence.'" *See Hatco Corp. v. W.R. Grace & Co. Conn*., 849 F. Supp. 987, 990 (D.N.J. 1994) (emphasis added).

Not a single authority cited by Plaintiffs in support of their untimeliness, unavailability, or waiver arguments addresses a motion to reconsider an interlocutory order, and Plaintiffs have now admitted that the September 29 Order is interlocutory. Thus, Plaintiffs' authorities are inapplicable, and nothing prevents CRI from presenting supplemental evidence in connection with its already-pending motion for reconsideration. And it makes sense for the Court to consider such evidence because Rule 54(b) specifically provides that *interlocutory* orders such as the September 29 Order are subject to revision *at any time* before the entry of a *final* judgment that determines all of the parties' claims, rights, and liabilities.

Plaintiffs urge the Court to "ignore" Plaintiff Cedrone's recent deposition testimony because the September 29 Order "found the Agreement unambiguous, and therefore parole evidence is irrelevant."[10] But Plaintiffs ignore that in opposing reconsideration, they have urged the Court *not* to "cripple one of the legs that steady the Order against reversal" by disavowing reliance on *Plaintiffs*' extrinsic evidence in the form of Lisa Bennett's deposition testimony.[11] Since Plaintiffs

[10] Plaintiffs' Resp. in Opposition to Defendant's Supplement to Motion to Reconsider, 3.
[11] Plaintiffs' Resp. to Motion to Reconsider, 11–12.

have contended that the September 29 Order is alternatively supported by "extrinsic evidence,"[12] controverting evidence like Cedrone's recent deposition testimony is directly relevant.

More importantly, CRI is seeking reconsideration of the Court's summary determination that the Agreement is unambiguous, and Plaintiff Cedrone's new deposition testimony is at minimum more than a scintilla of evidence that the Agreement is at least ambiguous, an argument CRI has made consistently since the beginning of the summary judgment proceedings. Therefore, Plaintiff Cedrone's new deposition testimony is directly relevant to the motion to reconsider.

Additionally, Plaintiff Cedrone's new deposition testimony did not exist or had not been fully developed by the time CRI was required to file a Rule 59(e) motion to preserve arguments that had not been ruled on and to stay the time to file a notice of appeal. Cedrone's deposition was taken on November 4, 2022, and CRI promptly filed its supplement in support of the motion to reconsider, highlighting this supplemental evidence—which is from a final deposition transcript, *not a draft*—supporting its arguments for reconsideration of the September 29 Order. Properly treating the motion for reconsideration as one for reconsideration of an interlocutory—rather than final—order, CRI's supplement cannot simply be "ignored" as untimely, unavailable, or waived, and consideration of the arguments and evidence in CRI's supplement is entirely consistent with "South Carolina's policy favoring the disposition of issues on their merits rather than on technicalities." *Mictronics, Inc. v. S.C. Dep't of Revenue*, 345 S.C. 506, 511, 548 S.E.2d 223, 226 (Ct. App. 2001).

[12] *Id*. at 12.

CONCLUSION

Considering Plaintiffs' recent admission that the September 29 Order is an *interlocutory* summary judgment order, Defendant CRI respectfully submits that the Court should consider CRI's motion to reconsider as one for reconsideration of an interlocutory, rather than a final, order consistent with Rule 54(b), and all of CRI's filings are properly before the Court and ripe for consideration. As such, the Court should reject Plaintiffs' untimeliness, unavailability, and waiver objections to CRI's November 15, 2022 Supplement in Support of Motion to Reconsider.

Respectfully submitted,

JOHN B. WHITE, JR. P.A.
By: */s/ John B. White. Jr.*
John B. White, Jr. (S.C. Bar No. 5996)
Marghretta H. Shisko (S.C. Bar No. 100106)
Griffin L. Lynch (S.C. Bar No. 72518)
JOHN B. WHITE, JR. P.A.
291 S. Pine Street
P.O. Box 2465 (29304)
Spartanburg, SC 29302
(864) 594-5988
jwhite@johnbwhitelaw.com
mshisko@johnbwhitelaw.com
glynch@johnbwhitelaw.com

BURR & FORMAN, LLP
William Y. Klett, III (SC Bar No. 64822)
wklett@burr.com
Paul D. Harrill (SC Bar No. 15268)
pharrill@burr.com
Post Office Box 11390
Columbia, SC 29211
P: (803) 799-9800

Michael Kaeske
Texas State Bar No. 00794061
mikekaeske@gmail.com

KAESKE LAW FIRM
1301 W 25th St Ste 406
Austin, TX 78705
Telephone: (512) 366-7300
Facsimile: (877) 826-1221

Jeremy C. Martin
Texas State Bar No. 24033611
jmartin@martinappeals.com

MARTIN APPEALS, PLLC
2101 Cedar Springs Rd., Ste. 1540
Dallas, Texas 75201
Telephone: 214-488-5021

Admitted Pro Hac Vice

December 5, 2022

Columbia, South Carolina

Attorneys for Composite Resources, Inc.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas
J. Mark Hayes, II, Circuit Court Judge

Case No. 2019-CP-46-00051

Appellate Case No. 2023-001103

Daniel P. Cedrone and Poly-Tech Industrial, Inc., ... Respondents,

v.

Composite Resources, Inc.,..... Appellant.

PROOF OF SERVICE

I certify that a true copy of Appellant's Motion for Leave to Supplement Record on Appeal and File Amended Final Reply Brief has been served on the following, this 5th day of February, 2024, by emailing a copy to each attorney listed below using their primary email address listed in the Attorney Information System pursuant to Rule 262(c)(3), SCACR, and *RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022)*, S.C. Sup. Ct. Order dated May 6, 2022.

Counsel served:

Keith D. Munson
Rimôn Law
220 North Main Street, Suite 500
Greenville, SC 29601
864-249-7111
keith.munson@rimonlaw.com

Michael Montecalvo
Womble Bond Dickinson (US) LLP

One West Fourth Street
Winston-Salem, NC 27101
336-721-3770
michael.montecalvo@wbd-us.com

William Y. Klett, III
Paul D. Harrill
Burr & Forman LLP
P.O. Box 11390
Columbia, SC 29211
(803) 799-9800
wklett@burr.com
pharrill@burr.com

Michael Kaeske
1301 W 25th St Ste 406
Austin, TX 78705
Telephone: (512) 366-7300
Facsimile: (877) 826-1221
mikekaeske@gmail.com

Jeremy C. Martin
2101 Cedar Springs Rd.
Ste. 1540
Dallas, TX 75201
Telephone: 214-488-5021
jmartin@martinappeals.com

Respectfully submitted,

/s/ Christopher R. Jones

John B. White, Jr. (S.C. Bar No. 5996)
Marghretta H. Shisko (S.C. Bar No. 100106)
Griffin L. Lynch (S.C. Bar No. 72518)
Christopher R. Jones (S.C. Bar No. 101265)
291 S. Pine Street
P.O. Box 2465 (29304)
Spartanburg, SC 29302
(864) 594-5988
jwhite@johnbwhitelaw.com
mshisko@johnbwhitelaw.com
glynch@johnbwhitelaw.com
cjones@johnbwhitelaw.com

Attorneys for Appellant

February 5, 2024

Chris Jones

From: Chris Jones
Sent: Monday, February 5, 2024 12:11 PM
To: John B. White, Jr.; Marghretta Shisko; Griffin Lynch; Klett III, William; Harrill, Paul; Michael Kaeske; Jeremy Martin; Keith Munson; 'Montecalvo, Michael'
Cc: Nicole Rice
Subject: Cedrone v. CRI (2023-001103) - Motion to Supplement Record
Attachments: 2023-001103 App. Mtn. to Supp. Record.pdf; 2023-001103 App. Mtn. to Supp. Record (Ex. A).pdf

Dear Counsel,

Attached for service upon you please find Appellant's Motion for Leave to Supplement Record on Appeal and File Amended Final Reply Brief in *Daniel P. Cedrone and Poly-Tech Industrial, Inc. v. Composite Resources, Inc.*, Appellate Case No. 2023-001103, which we are filing with the Court of Appeals today.

Christopher R. Jones
John B. White, Jr., P.A.
291 South Pine Street (29302)
P.O. Box 2465 (29304)
Spartanburg, SC
cjones@johnbwhitelaw.com