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**Jun 27 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM YORK COUNTY  
Court of Common Pleas

Grace Gilchrist Knie, Circuit Court Judge

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Appellate Case No. 2024-001042  
Case No.: 2019-CP-46-01258

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Rachel Sanders, Respondent,

v.

Novant Health, Inc., Terracon Consultants, Inc., Panther Heating and Cooling, Inc., Modern Construction of South Carolina, LLC, Southern Realty, LLC, and, in their Individual capacities, George White, MD, Nicholas Tuttle, MD, and Malcolm Marion, MD, Defendants,

Of which Modern Construction Services, LLC is the Appellant.

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**NOTICE OF TRANSCRIPT REQUEST AND CONFIRMATION OF RECEIPT**

Please take notice that pursuant to Rule 207 of the South Carolina Appellate Court Rules, on June 25, 2024, Appellant Modern Construction Services, LLC requested a transcript for the hearing held on May 18, 2022 in Case No. 2019-CP-46-01258. Receipt of the transcript request was acknowledged that same day. A copy of the associated correspondence is attached hereto as Exhibit "A."

Please take further notice that, prior to filing the Notice of Appeals, Appellant received transcripts from the March 8, 2023 and April 24, 2024 hearings in Case No. 2019-CP-46-01258. A copy of the correspondence requesting these transcripts is attached as Exhibit "B."

**WINDLE | TERRY | BIMBO**

By: /s/ Don R. Terry

Don R. Terry (S.C. Bar No. 101395)

150 Milestone Way, Suite C

Greenville, SC 29615

(864) 520-4847 - Telephone

(704) 626-6446 - Facsimile

[dterry@wtbconstructionlaw.com](mailto:dterry@wtbconstructionlaw.com)

*Attorney for Modern Construction Services, LLC*

June 27, 2024

Greenville, South Carolina

## Denise Fennelly

---

**From:** McGilberry, Shannon E. <SMcGilberry@sccourts.org>  
**Sent:** Tuesday, June 25, 2024 5:02 PM  
**To:** Denise Fennelly  
**Subject:** Re: 2019-CP-46-01258 - York County - Rachel Sanders, et al. v. Modern Construction of South Carolina, LLC, et al. - Request for Transcript

**CAUTION:** This email originated from outside of the organization.

Good afternoon,

I am in receipt of your request for a transcript from a hearing held in the above-referenced matter. I will let you know when the transcript is ready.

Sincerely,

Shannon E. McGilberry

---

**From:** Denise Fennelly <Dfennelly@wtbconstructionlaw.com>  
**Sent:** Tuesday, June 25, 2024 4:35 PM  
**To:** Transcripts <transcripts@sccourts.org>; McGilberry, Shannon E. <SMcGilberry@sccourts.org>  
**Cc:** Don R. Terry <dterry@wtbconstructionlaw.com>; Lou Segreti <lsegreti@wtbconstructionlaw.com>  
**Subject:** 2019-CP-46-01258 - York County - Rachel Sanders, et al. v. Modern Construction of South Carolina, LLC, et al. - Request for Transcript

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Attached please find a Transcript Request Form for a hearing held on May 18, 2022 in the above matter.

Please feel free to contact us with any questions or concerns.

Thank you.

***\*\*WE HAVE MOVED\*\****  
***PLEASE UPDATE OUR ADDRESS IN YOUR RECORDS***

**Denise L. Fennelly**  
*Paralegal*



3020 W. Arrowood Road

Suite 102  
Charlotte, NC 28273  
(704) 944-3244 – Main  
(704) 575-9768 – Direct  
(704) 626-6446 – Facsimile  
[dfennelly@wtbconstructionlaw.com](mailto:dfennelly@wtbconstructionlaw.com)

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## Denise Fennelly

---

**From:** Kevin Dehlinger <kdehlinger@LegalEagleInc.com>  
**Sent:** Tuesday, May 28, 2024 2:02 PM  
**To:** Don R. Terry  
**Cc:** Denise Fennelly  
**Subject:** RE: Sanders v Moder Construction Transcript  
**Attachments:** Rachel Sanders vs Moder Construction Services, LLC, et al 3-8-23 Transcript.pdf; Invoice 102979.pdf

**CAUTION:** This email originated from outside of the organization.

Don,

Attached are the transcript and invoice for this matter. Please let us know if you have any questions. Thank you.



**Kevin Dehlinger**  
Director of Operations

M (864) 444-4219 | P (864) 467-1373  
E [kdehlinger@legaleagleinc.com](mailto:kdehlinger@legaleagleinc.com)

107 LeGrand Blvd., Greenville, SC 29607  
[www.LegalEagleInc.com](http://www.LegalEagleInc.com)



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**From:** Don R. Terry <dterry@wtbconstructionlaw.com>  
**Sent:** Wednesday, May 22, 2024 5:26 PM  
**To:** Kevin Dehlinger <kdehlinger@LegalEagleInc.com>  
**Cc:** Transcripts <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>; Denise Fennelly <[Dfennelly@wtbconstructionlaw.com](mailto:Dfennelly@wtbconstructionlaw.com)>  
**Subject:** RE: Sanders v Moder Construction Transcript

Please proceed.

DON R. TERRY

PARTNER



**WINDLE  
TERRY  
BIMBO**  
CONSTRUCTION LAW

150 MILESTONE WAY, SUITE C  
GREENVILLE, SC 29615  
(864) 520-4847  
MOBILE: (864) 346-1112  
[WWW.WTBCONSTRUCTIONLAW.COM](http://WWW.WTBCONSTRUCTIONLAW.COM)

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---

**From:** Kevin Dehlinger <[kdehlinger@LegalEagleInc.com](mailto:kdehlinger@LegalEagleInc.com)>

**Sent:** Wednesday, May 22, 2024 4:15 PM

**To:** Don R. Terry <[dterry@wtbconstructionlaw.com](mailto:dterry@wtbconstructionlaw.com)>

**Cc:** Transcripts <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>

**Subject:** Sanders v Moder Construction Transcript

**CAUTION:** This email originated from outside of the organization.

Don,

Today, Legal Eagle was assigned your transcript request in the above referenced matter. Based upon our review of the records, it appears this transcript will be approximately 20 pages long. The following was indicated on the request from:

- Expedited Delivery (7 Days)
- PDF/Email Requested

The estimated 7 business day expedited cost for this transcript is \$100.00.

*Please note that the page estimate is not guaranteed. The price indicated above is an approximation based on the audio length. The actual cost and page count may vary due to several factors including but not limited to speech rate, side bars, Q&A v Colloquy, and hearing type. A final invoice will be sent when the transcript is completed.*

Once you have authorized us to proceed by responding to this email, we will place your transcript inline for production. If you have any questions, please let us know.

Thank you,



**Kevin Dehlinger**

Director of Operations

M (864) 444-4219 | P (864) 467-1373

E [kdehlinger@legaleagleinc.com](mailto:kdehlinger@legaleagleinc.com)

107 LeGrand Blvd., Greenville, SC 29607

[www.LegalEagleInc.com](http://www.LegalEagleInc.com)



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## Denise Fennelly

---

**From:** Don R. Terry  
**Sent:** Tuesday, May 28, 2024 2:41 PM  
**To:** McGilberry, Shannon E.  
**Cc:** Denise Fennelly  
**Subject:** Re: 2019-CP-46-01258 - York County - Rachel Sanders, et al. v. Modern Construction of South Carolina, LLC, et al. - Request for Transcript

Please provide an estimate of costs

Don Terry  
Windle Terry Bimbo  
150 Milestone Way, Suite C  
Greenville, SC 29615  
(864) 520-4847

On May 28, 2024, at 2:00 PM, McGilberry, Shannon E. <SMcGilberry@sccourts.org> wrote:

**CAUTION:** This email originated from outside of the organization.

Good afternoon.

Thank you for letting me know. Do you need an estimate of the cost? If not, I will contact you when the transcript is ready.

Sincerely,

Shannon E. McGilberry

---

**From:** Don R. Terry <dterry@wtbconstructionlaw.com>  
**Sent:** Wednesday, May 22, 2024 9:56 AM  
**To:** Denise Fennelly <Dfennelly@wtbconstructionlaw.com>; McGilberry, Shannon E. <SMcGilberry@sccourts.org>  
**Subject:** RE: 2019-CP-46-01258 - York County - Rachel Sanders, et al. v. Modern Construction of South Carolina, LLC, et al. - Request for Transcript

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

We do not need this transcript expedited.

DON R. TERRY

PARTNER



150 MILESTONE WAY, SUITE C  
GREENVILLE, SC 29615  
(864) 520-4847  
MOBILE: (864) 346-1112  
[WWW.WTBCONSTRUCTIONLAW.COM](http://WWW.WTBCONSTRUCTIONLAW.COM)

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---

**From:** Denise Fennelly <Dfennelly@wtbconstructionlaw.com>  
**Sent:** Wednesday, May 22, 2024 9:55 AM  
**To:** smcgilberry@sccourts.org  
**Cc:** Don R. Terry <dterry@wtbconstructionlaw.com>  
**Subject:** 2019-CP-46-01258 - York County - Rachel Sanders, et al. v. Modern Construction of South Carolina, LLC, et al. - Request for Transcript  
**Importance:** High

Ms. McGilberry:

I was provided your contact information from the York Clerk, who indicated that you were the court reporter who handled the hearing on our client, Modern Construction Services, LLC's, Motion for Relief from Judgment and Motion to Set Aside Entry of Default and Order of Default Judgment on April 24, 2024.

We would like to obtain a copy of the transcript for that hearing. Could you please let me know what you need from us in order to obtain the transcript? We would also like to expedite the request as it relates to an appeal.

Thank you!

***\*\*WE HAVE MOVED\*\****  
***PLEASE UPDATE OUR ADDRESS IN YOUR RECORDS***

**Denise L. Fennelly**  
***Paralegal***



3020 W. Arrowood Road  
Suite 102  
Charlotte, NC 28273  
(704) 944-3244 – Main  
(704) 575-9768 – Direct  
(704) 626-6446 – Facsimile  
[dfennelly@wtbconstructionlaw.com](mailto:dfennelly@wtbconstructionlaw.com)

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**Jun 27 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
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APPEAL FROM YORK COUNTY  
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Grace Gilchrist Knie, Circuit Court Judge

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Case No.: 2019-CP-46-01258

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Rachel Sanders, Respondent,

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Novant Health, Inc., Terracon Consultants, Inc., Panther Heating and Cooling, Inc., Modern Construction of South Carolina, LLC, Southern Realty, LLC, and, in their Individual capacities, George White, MD, Nicholas Tuttle, MD, and Malcolm Marion, MD, Defendants

Of which Modern Construction Services, LLC is the Appellant.

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**PROOF OF SERVICE**

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The undersigned hereby certifies that on June 27, 2024, a copy of **Appellant's Notice of Transcript and Confirmation of Receipt** was served on all counsel of record via email containing the above referenced document to counsel's individual email addresses:

Donald Gist

[dtommygist@yahoo.com](mailto:dtommygist@yahoo.com)

Erica McCrea

[ericamccrea@gistlawfirm.com](mailto:ericamccrea@gistlawfirm.com)

Gist Law Firm, Pa

4400 North Main Street

Columbia, SC 29230

Kyle T. Watson

[kwatson@watsonattorney.com](mailto:kwatson@watsonattorney.com)

The Watson Law Office, PLLC

301 McCullough Drive, Suite 400

Charlotte, North Carolina 28262

Aaron Vernon Wallace  
Wallace Law Firm  
534 Saint Andrews Road, STE B PMB 2002  
Columbia, SC 29210

*Attorneys for Plaintiff*

Office of Court Administration  
Calhoun Building  
1220 Senate Street, Suite 200  
Columbia, SC 29201-3739

**WINDLE | TERRY | BIMBO**

By: /s/ Don R. Terry  
Don R. Terry (S.C. Bar No. 101395)  
150 Milestone Way, Suite C  
Greenville, SC 29615  
(864) 520-4847 - Telephone  
(704) 626-6446 - Facsimile  
[dterry@wtbconstructionlaw.com](mailto:dterry@wtbconstructionlaw.com)

*Attorney for Modern Construction Services, LLC*

June 27, 2024  
Greenville, South Carolina