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Mar 19 2025
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

The Honorable Bentley D. Price

Case No. 2015-CP-07-02047

Appellant Case No. 2023-000222

James R. Brady.....Respondent.

v.

Hilton Head Homes at Allenwood, LLC,
Village Square Development Company, LLC,
Lancaster Redevelopment Corp. and
Gary GrossmanAppellants,

APPELLANT’S PETITION FOR REHEARING

The Appellants, Gary Grossman, by and through their undersigned counsel, hereby move the Court, pursuant to Rule 221(a) and Rule 240 of the SCACR and petition the Court to reconsider and rehear the within appeal and the Court’s opinion entered on March 12, 2015, in Unpublished Opinion No. 2025-UP-086.

The Petition is based on the ground that the Court overlooked clear, uncontroverted evidence in the merger clauses of those agreements with Hilton Head Homes at Allenwood and Village Square Development company and where Lancaster Redevelopment Corporation would be engaging Mr. Brady. Nowhere did that correspondence or

agreement provide that Mr. Grossman, individually, would be employing Mr. Brady. The letter giving rise to the Mr. Brady's claims was never signed by Mr. Grossman and no one produced a signed copy at trial or otherwise.

The language at issue is in Paragraph 9.5 of the Assignments mentioned by this Court in its Unpublished Opinion:

9.5 Entire Agreement. This assignment constitutes the entire agreement between the parties pertaining to its subject matter, and it supersedes all prior and contemporaneous agreements, representations, and understandings. No supplement, modification, or amendment of this assignment will be binding unless executed in writing by all parties.

(ROA 613-624)

With such language in place and relied upon and agreed to by Mr. Brady, his reliance on any earlier representations from an unsigned letter February 2004 is misplaced and should have led to a directed verdict and JNOV. Any reliance on any other document is misplaced as the Assignment contained the entire agreement of all which were merged into Assignment language. *See also Wilson v. Landstrom*, 281 S.C .260, 315 S.E.2d 130 (Ct. App. 1984)(doctrine of merger explained) There was no fraud or mistake pled, meaning the merger clauses should have barred any recovery.

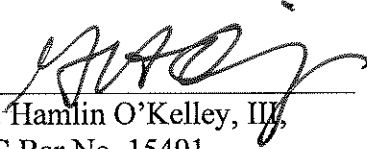
Counsel requests that all timelines be held in abeyance while the Court considers this request.

[SIGNATURE ON FOLLOWING PAGE]

Mt. Pleasant, South Carolina

March 19, 2025

BUIST BYARS & TAYLOR, LLC



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Appellate Case No. 2023-000222

James R. Brady,.....Respondent,

v.

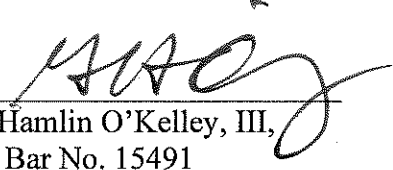
Hilton Head Homes at Allenwood, LLC, Village Square Development Company,
LLC, Lancaster Redevelopment Corp., and Gary L. Grossman.....Appellants.

PROOF OF SERVICE

I certify that I have served the Appellants' Petition for Rehearing by depositing a copy of same Via Email gcapell@capellthomson.com, cthomson@capellthomson.com and jesse@jessesanchezlaw.com and Via US Mail, addressed to Charles W. Thomson, Esq. and Glynn L. Cappell, Esq, Capell Thomson, LLC, 102 Wappoo Creek Drive, Unit 8, Charleston, SC 29412 and Jesse Sanchez, Esq., The Law Office of Jesse Sanchez, LLC, 751 Johnnie Dodds Blvd., Suite 200, Mt. Pleasant, SC 29464 on November 15, 2023.

Mt. Pleasant, South Carolina
March 19, 2025

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March 19, 2025

VIA EMAIL: ctappfilings@sccourts.org
AND US MAIL
The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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*RE: James R. Brady v Hilton Head Homes at Allenwood, LLC, et al.,
C/A No.: 2015-CP-07-02047 Appellate Case No. 2023-000222
Client File No.: 1115.0001*

Dear Ms. Kitchings:

Enclosed please find an original and one (1) copy of the Petition for Rehearing, Certificate of Counsel and Proof of Service for the Second Amended Final Brief in the above-referenced matter along with the filing fee in the amount of \$50.00.

Should you have any questions, please feel free to contact me.

With kindest regards, I remain

Yours very truly,

G. Hamlin O'Kelley, III

GHOIII/atd
Enclosures

Cc: (w/ Encl. Via Email Only)
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