

STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT
Case No. 2023-CP-22-00531

W.C. Jennings Company Inc.,)
)
Plaintiff,)
)
vs.)

**NOTICE OF MOTION
AND TO MOTION TO AMEND THE ORDER
PURSUANT TO RULE 60(a) SCRPC**

Joseph Failla, Renee Failla and)
Anderson Brothers Bank, Inc.)
)
)

Anderson Brothers Bank,)
)
Counterclaim/ Cross-Claim)
Plaintiff)

vs.)
)
W.C. Jennings Company, Inc.)

Counterclaim Defendant.)

Joseph Failla and Renee Failla a/k/a)
Renee F. Failla)
)

Cross-Claim Defendants.)
)

COMES NOW Plaintiff, W.C. Jennings Company, Inc, by and through undersigned counsel,
and respectfully moves the Court, pursuant to Rule 60(a) of the South Carolina Rules of Civil
Procedure, for an order correcting a clerical mistake (scrivener’s error) in the Final Order filed
on April 15, 2025. In support of this motion, the Plaintiff W.C. Jennings Company, Inc. states as
follows:

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SC Court of Appeals

1. On March 24, 2025, this matter was called for trial, in which testimony was given by the Plaintiff, W.C. Jennings Company, Inc., by and through its President, William Jennings, as well as a representative of Anderson Brothers Bank, Inc.
2. On April 16, 2025 the Court entered a Final Order in this matter.
3. That on April 29, 2025 the Defendants Joseph Failla and Renee Failla filed a Notice of Appeal with the Court.
4. The Final Order contains a clerical mistake, specifically, the Order incorrectly states that the judgment amount for the Plaintiff W.C. Jennings Company, Inc. was \$29,572.49 instead of \$39,010.56 for materials, supplies, and labor, which is supported by the record.
5. Rule 60(a), South Carolina Rules of Civil Procedure, allows for the correction of clerical mistakes in judgments, orders, or other parts of the record at any time, either on the court's initiative or on motion of any party.
6. The transcript of the hearing demonstrates and supports that the judgment amount requested by the Plaintiff W.C. Jennings Company, Inc. was (1) an unpaid balance owed from Thomas Supply in the amount of \$29,512.49 (See Trial Transcript page 32 at 20); (2) an unpaid balance owed from East Rock Fasteners in the amount of \$593.07(See Trial Transcript page 33 at 25); and unpaid balance of labor from W.C. Jennings Construction, Inc. in the amount of \$8,905.00 (See Trial Transcript page 33 at 19) for a total due to the Plaintiff W.C. Jennings Construction, Inc. in the amount of \$39,010.56. Transcripts attached hereto as Exhibit A.
7. On June 6, 2025, Plaintiff W.C. Jennings Company, Inc. filed for leave to file a Motion to Amend the Order pursuant to Rule 60(a) SCRPC with the South Carolina Court of Appeals Appellate Case No. 2025-000850.

8. The Court of Appeals issued an Order on July 11, 2025, granting Plaintiff, W.C. Jennings Company, Inc., leave to file a Motion pursuant to Rule 60(a) of the South Carolina Rule of Civil Procedure with the Master-In-Equity for Georgetown County.
9. The proposed correction to the Final Order will not affect the merits of the appeal, but will ensure the accuracy of the Final Order.

WHEREFORE, the Plaintiff W. C. Jennings, Inc. respectfully requests that the Court to issue a corrective Order pursuant to Rule 60(a) of the South Carolina Rules of Civil Procedure to reflect the clerical error and correct amount of the judgment issued by this Court in the amount of judgment of \$39,010.56 and attorney's fees in the amount of \$4,941.32.

Respectfully submitted,

MARING & MOYER, LLC

s/Robert W. Maring
Robert W. Maring, Esquire
SC Bar No. 8810
Maring & Moyer, LLC
Post Office Box 478
Georgetown, SC 29442
Telephone: 843-545-9544
Facsimile: 843-545-9735
Robert@maringmoyer.com
*Counsel for Plaintiff W.C. Jennings
Company Inc.*

July 17, 2025
Georgetown, SC

Exhibit "A"

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STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS FOR THE
) FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF GEORGETOWN) C/A No. 2023-CP-22-00531

W.C. Jennings Company, Inc.,)
)
Plaintiff,)

v.)

Joseph Failla, Renee Failla and Anderson)
Brothers Bank,)
)
Defendants.)

*****)
Anderson Brothers Bank,)
)
Counterclaim/Cross-Claim,)
Plaintiff,)

v.)

W.C. Jennings Company, Inc.,)
)
Counterclaim Defendant,)

Joseph Failla and Renee Failla a/k/a)
Renee F. Failla,)
)
Cross-Claim Defendants.)

HEARING

Monday, March 24, 2025
11:00 a.m. - 11:34 a.m.



CREEL COURT REPORTING, INC.
1230 Richland Street / Columbia, SC 29201
(803) 252-3445 / contact@creelreporting.com

The hearing before the Honorable Joe M. Crosby, Master-In-Equity for Georgetown County, was taken at the Georgetown County Courthouse, 401 Cleland Street, Courtroom 2-C, Georgetown, South Carolina on the 24th day of March, 2025 before Mary Cooper Joy, Court Reporter and Notary Public in and for the State of South Carolina.



CREEL COURT REPORTING, INC.

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JENNINGS V FAILLA

32

1 Q: And so, the numbers that you see that make up
2 the 32,000, at the time, included a -- the, the
3 fee to Thomas Supply. And there was another
4 one, too, it was a -- it's the ---

5 A: East ---

6 Q: --- it was -- yeah. What is the -- it's East
7 Coast Fasteners. What does that ---

8 A: For ---

9 Q: --- represent?

10 A: --- balls and straps that I purchased for the
11 framin'.

12 Q: Okay. And did you pay -- and do you -- and
13 you've already paid for that?

14 A: Correct.

15 Q: Okay. So that total amount here was the, was
16 the total amount of your invoice as of the date
17 the mechanic's lien was filed two -- over two
18 years ago?

19 A: Correct.

20 Q: And, and it's your testimony here today that
21 Thomas Supply is owed 29,512.49 as of today, is
22 that ---

23 A: Correct.

24 Q: --- correct?

25 A: They ---



1 Q: And ---
2 A: --- froze the, the late fees as of December.
3 Q: Of twenty- ---
4 A: Yeah.
5 Q: --- just a few months ago?
6 A: Yes.
7 Q: And their late fees, I believe, were over --
8 the, the -- or I think they were 300-somethin'
9 dollars a month?
10 A: (No audible response.)
11 Q: 319.07 ---
12 A: I ---
13 Q: --- was their late fee?
14 A: Correct.
15 Q: And that's what you had to -- that's what you
16 agreed to with your account, your credit
17 account with Thomas Supply?
18 A: Yes.
19 Q: Okay. Now, you're owed 8,905, is that, is that
20 correct?
21 A: Correct.
22 Q: And that's what you're asking for the Court to,
23 to grant you judgment for?
24 A: Correct.
25 Q: Okay. As well as the 593.07 for the fasteners?



JENNINGS V FAILLA

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1 A: Yes.

2 Q: And you've had to employ me as your attorney in
3 this matter, isn't that correct?

4 A: That is correct.

5 Q: And to d- -- to date, you're ow- -- you owe me
6 4,941.32, does that sound correct?

7 A: Yes.

8 **MR. MARING:** And Your Honor, I also have an
9 attorney's fees affidavit that -- do you want
10 me to file it or present it as -- I'll just go
11 ahead and do exhi- -- put it as an exhibit
12 since we're here.

13 **MS. GRIGG:** What's that amount? Four-thousand- ---

14 **MR. MARING:** Four-thousand-nine -- 4,941.32.

15 **MS. GRIGG:** And I'm sorry. Do you mind repeating
16 the updated Thomas Supply number?

17 **MR. MARING:** Do I have a what?

18 **MS. GRIGG:** The updated Thomas Supply number?

19 **MR. MARING:** 29,512.49.

20 **MS. GRIGG:** That's ---

21 **MR. MARING:** Suzie, it's also on the last page.

22 **MS. GRIGG:** Oh, okay.

23 **MR. MARING:** It's al- -- it's also on the last page.

24 Q: I'm just gonna show you quick, an attorney's
25 fees affidavit, this is the attorney's fees



STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)

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W.C. Jennings Company Inc.,)
)
Plaintiff,)
)
vs.)

CERTIFICATE OF MAILING

Joseph Failla, Renee Failla and)
Anderson Brothers Bank, Inc.)
)
)

Anderson Brothers Bank,)
)
Counterclaim/ Cross-Claim)
Plaintiff)

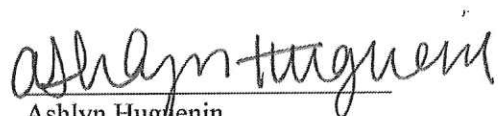
vs.)
)
W.C. Jennings Company, Inc.)
)
Counterclaim Defendant.)

Joseph Failla and Renee Failla a/k/a)
Renee F. Failla)
)
Cross-Claim Defendants.)

I the undersigned, legal assistant for Maring & Moyer, LLC, hereby certifies that I have this 17th day of July 2025, served a copy of the documents listed below on the person or persons below by mailing copies of same, postage prepaid, in the United States mail, with sufficient postage affixed as follows:

DOCUMENT(S): Notice of Motion and Motion to Amend Order pursuant to Rule 60(a)

ADDRESSEE(S): Joseph Failla
Renee Failla
212 A Machrie Loop Dr.
Myrtle Beach, SC 29588


Ashlyn Huguenin