

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

Rivers Lawton McIntosh, Circuit Court Judge

Alexander S. Macaulay, Circuit Court Judge and Trial Judge

Civil Action No.: 2005-CP-37-00788

RECEIVED

OCT 30 2013

SC Court of Appeals

Tri-County Development et. al.
Jeff Gray and Melinda
Holbrooks.....Respondents

v.

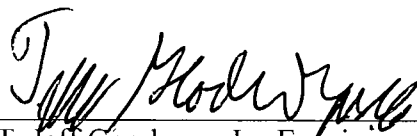
Christopher A. Pierce.....Appellant

**APPELLANT’S REPLY TO RESPONDENT’S RETURN TO APPELLANT’S
MOTION TO SUPPLEMENT THE INITIAL DESIGNATION OF MATTER ON
APPEAL, OR IN THE ALTERNATIVE TO SUPPLEMENT THE RECORD ON
APPEAL**

Appellant hereby replies to Respondents’ Return and would assert that the inclusion of the two (2) S.C. Department of Labor, Licensing, and Regulation orders are relevant and indispensable to the appeal at bar, as they directly relate to Judge McIntosh’s directive concerning issues which Appellant would be allow to present at trial, namely that “Defendant shall be allowed to establish the right to a set-off, if any, to challenge the existence of a joint venture and licensure.” R. at p. 454. Furthermore, Appellant specifically requested a continuance of the trial to the trial judge on the grounds that the

LLR complaints were pending against Respondents and were critical to determine whether the Respondents could properly file a mechanic's lien or prosecute their claims, as well as to Appellant's defenses. R. at p. 218 (Trial Tr. at pp. 15-19). The trial judge denied the request and the LLR findings were never before the Court or jury. Appellant further relies upon the arguments advanced in his Motion to Supplement the Record.

Respectfully submitted,



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Attorney for Appellant

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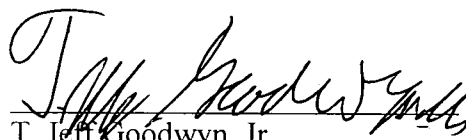
v.

Christopher A. Pierce,..... Appellant

PROOF OF SERVICE

I certify that I have served **Appellant's Reply to Respondent's Return to Appellant's Motion to Supplement the Initial Designation of Matter on Appeal, or in the Alternative to Supplement the Record on Appeal** on Thomas E. Dudley, III, Esquire, Counsel for the Respondents at the address below by depositing a copy of same in the United States Mail, postage prepaid, on October 30, 2013.

Thomas E. Dudley, III, Esquire
Kenison, Dudley & Crawford, LLC
704 East McBee Avenue
Greenville, SC 29601



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October 30, 2013

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October 30, 2013

VIA HAND DELIVERY

Jenny Abbott Kitchings, Clerk of Court
The South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RE: *Tri-County Development et. al., Jeff Gray and Melinda Holbrooks v. Christopher A. Pierce*
Civil Action No.: 2005-CP-37-00788
Case No.: 2011202946
Our File No.: 3500-0014

Dear Ms. Kitchings:

Please find enclosed an original and seven (7) copies of Appellant's Reply to Respondent's Return to Appellant's Motion to Supplement the Initial Designation of Matter on Appeal, or in the Alternative to Supplement the Record on Appeal along with the Proof of Service evidencing service of the same upon Thomas E. Dudley, III, Esquire in regard to the above referenced matter. Please file the original and six (6) copies and return a clocked copy to me.

By copy of this letter to Thomas E. Dudley, III, Esquire, counsel for the Plaintiff's, I am serving a copy of Appellant's Reply to Respondent's Return to Appellant's Motion to Supplement the Initial Designation of Matter on Appeal, or in the Alternative to Supplement the Record on Appeal upon him.

Thank you and please contact me with any questions.

Sincerely,



T. Jeff Goodwyn, Jr.

TJG/msb

Enclosures

cc: Thomas E. Dudley, III, Esquire
Chris Pierce

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SC Court of Appeals