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Aug 27 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
The Honorable Jocelyn Newman, Circuit Court Judge

Case No. 2022-CP-40-02713
Appellate Case No. 2024-000995

Elizabeth and Melvin Ray,..... Appellants

vs.

Sunsetter Properties, LLC; Nancy Warner Agent for Coldwell Banker
Residential Brokerage; and Home Inspection One, LLC, Respondents.

**RESPONDENTS’ MOTION TO STRIKE THE RECORD
ON APPEAL AND AMENDED RECORD ON APPEAL**

Pursuant to the South Carolina Appellate Court Rules, Respondent Sunsetter Properties, LLC (“Sunsetter”) and Respondent Home Inspection One, LLC (“HIO”), by and through their undersigned counsel, hereby jointly move the Court for an order striking the Record on Appeal and the Amended Record on Appeal filed by Appellants’ counsel on August 5, 2025 and August 8, 2025, respectively.

This motion is based on the following:

1. The Amended Record on Appeal includes one item that no party designated and omits two items designated by HIO.
2. Rule 210 (c), SCACR requires Appellants to include in the Record on Appeal “all matter designated to be included by any party,” and shall not “include matter which was not presented to the lower court or tribunal.” Rule 210(g), SCACR makes clear that filing the Record on Appeal is a certification by the filing party’s counsel that “the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.”

3. In the Amended Record on Appeal, Appellants included a deposition notice that no party had designated. It appears on pages 10-11 of the Amended Record on Appeal.

4. In addition, the Record on Appeal and Amended Record on Appeal fail to include two items that HIO designated:

- Item 6: HIO's Motion to Compel Plaintiffs Discovery Responses and Motion to Deem Admitted Requests to Admit (with all exhibits) filed April 3, 2024
- Item 8: Order granting HIO's Motion to Compel and granting HIO's Motion to Deem Admitted Requests to Admit entered by the Honorable Clifton B. Newman on July 24, 2023.

5. Counsel for Sunsetter and HIO communicated with counsel for Appellants about these deficiencies, but she has failed to correct them. *See Exhibit A.*

6. Accordingly, Sunsetter and HIO move to strike the Record on Appeal and Amended Record on Appeal and for an order directing Appellants to correct these deficiencies by filing an accurate and correct Record on Appeal. Counsel for Sunsetter and HIO also request that the deadline to file Final Briefs be held in abeyance until this Motion is resolved and a correct Record on Appeal is filed.

[signature page follows]

Respectfully submitted,

CALLISON TIGHE & ROBINSON, LLC

s/ Demetri K. Koutrakos

Demetri K. Koutrakos, SC Bar No. 11318

1812 Lincoln Street, Suite #200 (29201)

P. O. Box 1390

Columbia, SC 29202-1390

Telephone: 803-404-6900

Email: jimkoutrakos@callisontighe.com

***Attorney for Respondent Sunsetter
Properties, LLC***

AND

HALL BOOTH SMITH, PC

s/ M. Shanter Chaparro

Derek M. Newberry, SC Bar No. 77791

M. Shanter Chaparro, SC Bar No. 102419

111 Coleman Blvd., Suite #301

Mt. Pleasant, SC 29464

Telephone: 843-720-3460

Email: dnewberry@hallboothsmith.com

Email: schaparro@hallboothsmith.com

***Attorneys for Respondent Home Inspection
One, LLC***

August 27, 2025

EXHIBIT A

Kathy Romero

From: Shanter Chaparro <schaparro@hallboothsmith.com>
Sent: Wednesday, August 20, 2025 11:36 AM
To: Reagan Singletary
Cc: Jim Koutrakos
Subject: RE: Ravy v. Sunsetter Properties, LLC et. al [HBS-DMS.FID1932541]

Reagan,

In addition to being misplaced under Rule 208(b)(1)(c) and (2), SCACR, your objections to Items Nos. 6 and 8 in my client's Designation of Matters are untimely. Any objection should have been raised when those items were designated for inclusion in the record, rather than after you filed both the Record on Appeal and Amended Record on Appeal.

Further, Rule 210(b), (c), SCACR requires you, as counsel for Appellants, to include in the Record on Appeal "all matter designated to be included by any party," and Rule 210(g), SCACR makes clear that filing the Record on Appeal is a certification by the filing party's counsel that "the Record on Appeal contains all material proposed to be included by any of the parties and not any other material." By omitting Items Nos. 6 and 8 from the Record on Appeal (and Amended Record on Appeal), while at the same time adding the April 26, 2024 Notice of Deposition – which was neither presented to the lower court nor identified in any party's Designation of Matters – you have not complied with the requirements of Rule 210.

Accordingly, I respectfully request that you correct the Record on Appeal to:

1. Include Items Nos. 6 and 8 from my client's Designation of Matters; and
2. Replace the April 26, 2024 Notice of Deposition with the alleged Notice of Deposition dated April 15, 2024, as identified in Sunsetter Properties' Designation of Matters.

Like Jim, I would also appreciate it if you could circulate the corrected/amended Record on Appeal to all counsel prior to filing so that we can avoid involving the court unnecessarily.

Thanks,
Shanter

From: Jim Koutrakos <jimkoutrakos@callisontighe.com>
Sent: Wednesday, August 20, 2025 10:32 AM
To: Reagan Singletary <reagan@thesingletarygroup.com>
Cc: Shanter Chaparro <schaparro@hallboothsmith.com>
Subject: RE: Ravy v. Sunsetter Properties, LLC et. al [HBS-DMS.FID1932541]

Hi Reagan,

Please show me where you designated the notice of deposition. Your designation is attached. I do not see the notice of deposition listed.

Demetri "Jim" K. Koutrakos
CALLISON TIGHE & ROBINSON, LLC

1812 Lincoln Street, 2nd Floor
Post Office Box 1390 (29202-1390)
Columbia, South Carolina 29201
Direct Dial: (803) 404-6966
Mobile: (803) 603-9079
JimKoutrakos@CallisonTighe.com

From: Reagan Singletary <reagan@thesingletarygroup.com>
Sent: Wednesday, August 20, 2025 7:32 AM
To: Jim Koutrakos <jimkoutrakos@callisontighe.com>
Cc: Shanter Chaparro <schaparro@hallboothsmith.com>
Subject: Re: Ravy v. Sunsetter Properties, LLC et. al [HBS-DMS.FID1932541]

Dear Shanter and Jim,

Thank you for your emails.

With respect to Shanter's request, I have considered your position regarding Items 6 and 8 but stand by the objections previously outlined. As noted, those materials are not relevant to the issues raised on appeal and fall outside the scope permitted under Rule 210(c), SCACR. Accordingly, I will maintain my objection to their inclusion in the Record on Appeal.

As to Jim's request, I do not agree that the Amended Record on Appeal should be revised to delete the deposition notice at pages 10–11. My designation of matter included the April 26, 2025 notice of deposition, which was dated April 15, 2025. While you contend that you did not receive it, there is no contention that counsel for Home Inspection One did receive it. Therefore, the notice properly remains in the Record on Appeal.

Best,

Reagan

From: Jim Koutrakos <jimkoutrakos@callisontighe.com>
Sent: Monday, August 18, 2025 5:26 PM
To: Shanter Chaparro <schaparro@hallboothsmith.com>; Reagan Singletary <reagan@thesingletarygroup.com>
Cc: Kathy Romero <kathyromero@callisontighe.com>; Michael Brannan <michaelbrannan@hallboothsmith.com>
Subject: RE: Ravy v. Sunsetter Properties, LLC et. al [HBS-DMS.FID1932541]

Reagan,

In follow-up to Shanter's email and my email below, please also amend the record on appeal to delete the deposition notice at pages 10-11. I designated the attached document. You did not designate the deposition notice you included in the amended record on appeal at pages 10-11.

Please correct the Record on Appeal as stated. I would appreciate it if you could send the amended Record on Appeal to counsel before filing so we do not continue to bother the court.

Demetri "Jim" K. Koutrakos

CALLISON TIGHE & ROBINSON, LLC

1812 Lincoln Street, 2nd Floor

Post Office Box 1390 (29202-1390)

Columbia, South Carolina 29201

Direct Dial: (803) 404-6966

Mobile: (803) 603-9079

JimKoutrakos@CallisonTighe.com

From: Shanter Chaparro <schaparro@hallboothsmith.com>

Sent: Monday, August 18, 2025 5:18 PM

To: Reagan Singletary <reagan@thesingletarygroup.com>

Cc: Jim Koutrakos <jimkoutrakos@callisontighe.com>; Kathy Romero <kathyromero@callisontighe.com>; Michael Brannan <michaelbrannan@hallboothsmith.com>

Subject: RE: Ravy v. Sunsetter Properties, LLC et. al [HBS-DMS.FID1932541]

Reagan,

I have not received a response from you regarding my reply to your objections and indicating I would not be withdrawing Items Nos. 6 and 8 of my client's designation of matters. As noted in my reply, Items No. 6 and 8 in my client's Designation of Matters are highly relevant to the matters on appeal as they confirm Appellants entered into the Inspection Agreement with Home Inspection One to perform the home inspection at issue. The Motion to Compel (Item No. 6), was referenced in my client's Motion for Summary Judgment, as was the Inspection Agreement, and Judge Newman ruled that the economic loss rule applied to bar any tort claim against Home Inspection One because any duties it may have owed your client arose solely from the Inspection Agreement. Given the foregoing, the citation to the Motion (Item No. 6) and Order (Item No. 8) in my client's Statement of the Case was necessary and these matters are appropriate for inclusion in the Record on Appeal pursuant to Rule 208(b)(1)(c) and (2), SCACR as they may have affected the appeal or may throw light on questions involved in the appeal.

Please correct the Record on Appeal so that the documents – Items Nos. 6 and 8 on my client’s designation of matters – are included.

Best,

Shanter

Shanter Chaparro

Attorney at Law | Hall Booth Smith, P.C.

O: [843.720.3460](tel:843.720.3460)

111 Coleman Boulevard, Suite 301

D: [843.720.3466](tel:843.720.3466)

Mount Pleasant, SC 29464

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From: Jim Koutrakos <jimkoutrakos@callisontighe.com>

Sent: Thursday, August 14, 2025 11:29 AM

To: Reagan Singletary <reagan@thesingletarygroup.com>

Cc: Shanter Chaparro <schaparro@hallboothsmith.com>; Kathy Romero <kathyromero@callisontighe.com>

Subject: RE: Ravy v. Sunsetter Properties, LLC et. al

Hi Reagan,

We only designated the attached regarding the deposition notice. You included that in the amended record on appeal, but you also included some other deposition notice that was never served on us. You did not designate that document. We did not designate that document. Please correct the record on appeal.

Demetri "Jim" K. Koutrakos

CALLISON TIGHE & ROBINSON, LLC

1812 Lincoln Street, 2nd Floor

Post Office Box 1390 (29202-1390)

Columbia, South Carolina 29201

Direct Dial: (803) 404-6966

Mobile: (803) 603-9079

JimKoutrakos@CallisonTighe.com

From: Reagan Singletary <reagan@thesingletarygroup.com>

Sent: Friday, August 8, 2025 3:30 PM

To: Court Of Appeals Filings <ctappfilings@sccourts.org>

Cc: Jim Koutrakos <jimkoutrakos@callisontighe.com>; Shanter Chaparro <schapparro@hallboothsmith.com>

Subject: Ravy v. Sunsetter Properties, LLC et. al

Attached please find the Amended Record on Appeal. Thank you.

Reagan Singletary, Esq.

The Singletary Group, LLC

Telephone: 803.552.6957

Fax: 803. 753.9623

Email: reagan@thesingletarygroup.com

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Elizabeth and Melvin Ray,..... Appellants

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Residential Brokerage; and Home Inspection One, LLC, Respondents.

PROOF OF SERVICE

I hereby certify that, on this date, Respondents’ Motion to Strike the Record on Appeal and Amended Record on Appeal was served on appellants’ counsel of record via AIS email, pursuant to Supreme Court Order dated March 20, 2020, as amended, as follows:

Reagan Singletary, Esquire
The Singletary Group, LLC
327 Great North Road
Columbia, SC 29223
Email: reagan@thesingletarygroup.com
Attorney for Appellants

I further certify that all parties required by Rule to be served have been served.

CALLISON TIGHE & ROBINSON, LLC

s/ Demetri K. Koutrakos
Demetri K. Koutrakos, SC Bar No. 11318
1812 Lincoln Street, Suite #200 (29201)
P. O. Box 1390
Columbia, SC 29202-1390
Telephone: 803-404-6900
Email: jimkoutrakos@callisontighe.com
*Attorney for Respondent Sunsetter
Properties, LLC*

August 27, 2025

Demetri “Jim” K. Koutrakos - Member
803-404-6900
JimKoutrakos@callisontighe.com

August 27, 2025

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SC Court of Appeals

VIA EMAIL ONLY: ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings
Clerk of Court
S. C. Court of Appeals
1220 Senate Street
Columbia, SC 29201

RE: Elizabeth and Melvin Ray vs. Sunsetter Properties, LLC, *et al.*
Appellate Case No. 2024-000995

Dear Ms. Kitchings:

Enclosed herewith please find the Respondents’ Motion to Strike the Record on Appeal and Amended Record on Appeal, together with the Proof of Service, in the above-referenced matter. Kindly file the same and return a clocked-in copy of each to the undersigned via return email. This firm’s check in the amount of \$50 in payment of the required fee will be delivered to your office.

The enclosed documents have been served upon Appellants’ counsel today via email as indicated in the Proof of Service.

Please feel free to contact me with any questions. Thank you.

With kind regards, I am

Sincerely yours,

CALLISON TIGHE & ROBINSON, LLC

s/ Demetri “Jim” K. Koutrakos

Demetri “Jim” K. Koutrakos

DKK:ksr

Enclosures

cc: Reagan Singletary, Esquire (via email)
Derek M. Newberry, Esquire (via email)
M. Shanter Chaparro, Esquire (via email)

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