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**Nov 12 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM ANDERSON COUNTY  
Court of Common Pleas  
The Honorable R. Lawton McIntosh

Case No. 2024-CP-04-02229  
Appellate Case No. 2025-001549  
Appellate Case No. 2025-002012

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Moats Construction, Inc. and The Green Man, LLC,

Appellants,

v.

APB Partnership, LLC, Wesley Edwards, 2916 N. Main, LLC, W.H. Bass, Inc., Whataburger  
Restaurants, LLC, and United Community Bank,

Respondents.

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MOTION TO CONSOLIDATE

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COMES NOW the Appellants, by and through undersigned counsel, pursuant to Rules 214, 240, SCACR, and respectfully moved this Honorable Court to consolidate the above-captioned appeals for the purposes of briefing, oral argument, and disposition.

1. Both appeals arise from the same underlying circuit court action, Circuit Court Case Number: 2024-CP-04-02229, before the Honorable R. Lawton McIntosh.
2. The parties in both appeals are identical, and the underlying factual circumstances giving rise to each appeal are substantially the same.

3. The first case (Appellate Case No. 2025-001549) concerns the appeal of an order issued by the circuit court discharging Appellant's Mechanic's Liens from Respondent APB Partnership, LLC's real property, and dismissing Appellant's causes of action for lien foreclosure.
4. The second case (Appellate Case No. 002012) concerns the release of the Lis Pendens from Respondent APB Partnership, LLC's real property following the circuit court's order on the mechanic's lien and before Appellant filed its motion to reconsider or notice of appeal of the first order (Appellate Case No. 2025-001549).
5. Both appeals stem from the same underlying case and concern the same subject matter with overlapping factual and legal issues.
6. Consolidation of these appeals will promote judicial economy, avoid duplication of briefing and argument, and ensure consistent resolution of related issues.
7. Counsel for Appellants has conferred with counsel for Respondent APB Partnership, LLC regarding this motion, and counsel for Respondent does not object to this motion.

WHEREFORE, Appellants respectfully request that this Court enter an order consolidating Appeal Nos. 2025-001549 and 2025-002012, for the purposes of briefing, oral argument, and final disposition, and granting such other and further relief as the Court deems just and proper and set the time for briefing from receipt of the latest received transcript.

Respectfully submitted,

/s/ David L. Paavola  
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David L. Paavola, SC Bar No.: 100714  
Caitlin S. Cameron, SC Bar No.: 106286  
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*Attorneys for Appellants*

November 12, 2025  
Cayce, South Carolina

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Appellate Case No. 2025-001549  
Appellate Case No. 2025-002012

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Moats Construction, Inc. and Russell Moats,

Appellants,

v.

Anderson County, Rusty Barns, Matt Schell, and Holt Hopkins,

Respondents.

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PROOF OF SERVICE

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I certify that the Appellants' Motion to Consolidate has been served on Daniel L. Draisen, counsel for Respondents APB Partnership, LLC, Wesley Edwards, and 2619 N. Main, LLC, by email sent to his primary e-mail address listed in the Attorney Information System, [daniel@injuredsc.com](mailto:daniel@injuredsc.com), Paul H. Hoefler and C. Elizabeth Weston, counsel for Respondent United Community Bank, by email sent to their primary e-mail addresses listed in the Attorney Information System, [phoefler@robinsongray.com](mailto:phoefler@robinsongray.com) and [lweston@robinsongray.com](mailto:lweston@robinsongray.com), and Christopher B. Major, counsel for Whataburger Restaurants, LLC, by email sent to his primary e-mail address listed in the Attorney Information System, [cmajor@hsblawfirm.com](mailto:cmajor@hsblawfirm.com), on October 28, 2025.

s/ David L. Paavola

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November 11, 2025

*Attorneys for Appellants*

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Respondents.

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PROOF OF SERVICE

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I certify that the Appellants' Motion to Consolidate Appellate Case Numbers 2025-001549 and 2025-002012 has been served on Daniel L. Draisen, counsel for Respondents APB Partnership, LLC, Wesley Edwards, and 2916 N. Main, LLC, by email sent to his primary e-mail address listed in the Attorney Information System, daniel@injuredsc.com, Paul H. Hoefler and C. Elizabeth Weston, counsel for Respondent United Community Bank, by email sent to their primary e-mail addresses listed in the Attorney Information System, phoefler@robinsongray.com and lweston@robinsongray.com, and Christopher B. Major, counsel for Whataburger Restaurants, LLC, by email sent to his primary e-mail address listed in the Attorney Information System, cmajor@hsblawfirm.com.

*s/ David L. Paavola*

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November 12, 2025  
Cayce, South Carolina

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