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Feb 09 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas
R. Lawton McIntosh, Circuit Court Judge

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

Moats Construction, Inc. and The Green Man, LLS, Appellants,

v.

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

**Motion Requesting Permission to Serve and File Outside the Deadlines
the Initial Brief of Respondent and Respondent's Designation of Additional Matter to be
Included in the Record on Appeal**

Pursuant to this Court's directive of January 20, 2026, and Rules 240 and 263(b),
SCACR, Respondents APB Partnership, LLC, Wesley Edwards, 2916 N. Main, LLC
(Respondents) move this Court permit Respondents to file its Initial Brief and Designation of
Additional Matter to be Included in the Record on Appeal outside the deadlines. Appellant filed
and served its Brief and Designation on December 16, 2025, so that Respondents' documents
were due on January 15, 2026. Due to the press of other work and a failure to accurately calendar
the deadline Respondents failed to file the Initial Brief and Designation on that date.

Respondents have now engaged experienced appellate counsel to assist with this matter
and respectfully request permission to serve and file the documents out of time. See Rule 263(b)

(“The time prescribed by these Rules for performing any act...may be extended...by the appellate court, or by any judge ... thereof.”).

Respondents have attached a copy of their proposed Initial Brief of Respondent and Designation of Additional Matter and ask that these documents be filed conditionally until the Court rules on this Motion.

Respectfully submitted,

February 9, 2026

/s/ John S. Nichols
John S. Nichols
Bluestein Thompson Sullivan, LLC
PO Box 7965
Columbia, South Carolina 29202
(803) 779-7599
john@bluesteinattorneys.com
Attorney for Respondent

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v.

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

PROOF OF SERVICE

I certify that I have served the Motion to Accept Initial Brief of Respondents APB Partnership, LLC, Wesley Edwards, 2916 N. Main, LLC and Respondents' Designation of Additional Matter outside the deadlines, as well as the attached Initial Brief of Respondents and Respondents' Designation of Additional Matter (conditionally filed) upon the following by electronic mail:

Brian A. Autry, Esquire
autry@conlaw.com
David L. Paavola, Esquire
paavola@conlaw.com
Caitlin S. Cameron, Esquire
cameron@conlaw.com
KENISON, DUDLEY & CRAWFORD, LLC
440 Knox Abbott Drive, Suite 510
Cayce, South Carolina 29033
(803) 242-4899

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

Daniel L. Draisen, Esquire
daniel@injuredsc.com
1805 N. Boulevard
Anderson SC 29621

Counsel for Respondents APB Partnership, LLC, Wesley Edwards, 2916 N. Main, LLC

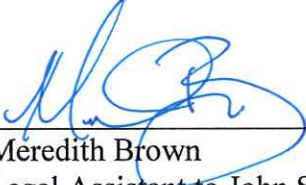
Dana Woodrum Lang, Esquire
dana.lang@wbd-us.com
PO Box 999
Charleston SC 29402
Counsel for W.H. Bass, Inc.

Christopher B. Major, Esquire
cmajor@hsblawfirm.com
PO Box 2048
Greenville SC 29602-2048
Counsel for Whataburger Restaurants, LLC

Paul Hamilton Hoefler, Esquire
phoefler@robinsongray.com
PO Box 11449
Columbia SC 29211
Counsel for Respondent United Community Bank

Clara Elizabeth Weston, Esquire
lweston@robinsongray.com
PO Box 11449
Columbia SC 29211
Counsel for Respondent United Community Bank

February 9, 2026


Meredith Brown
Legal Assistant to John S. Nichols, Esq.
Bluestein Thompson Sullivan, LLC
PO Box 7965
Columbia, South Carolina 29202
(803) 779-7599

February 9, 2026

VIA EMAIL ONLY- ctappfilings@sccourts.org

The Honorable Jenny A. Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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SC Court of Appeals

RE: Moats Construction, Inc. and The Green Man, LLC, Appellants, vs. APB Partnership, LLC, Wesley Edwards, 2916 N. Main, LLC, W.H. Bass Inc., Whataburger Restaurants, LLC, and United Community Bank, Respondents.
Appellate Case No.: 2025-001549
Appellate Case No.: 2025-002012

Dear Ms. Kitchings,

Please accept John S. Nichols' Notice of Appearance, in the above reference matter for the Respondents ABP Partnership, LLC, Wesley Edwards, and 2916 N. Main, LLC.

Please find enclosed:

- 1) Motion Requesting Permission to Serve and File Outside the Deadlines the Initial Brief of Respondent and Respondent's Designation of Additional Matter to be Included in the Record on Appeal
- 2) Initial Brief of Respondents APB Partnership, LLC, Wesley Edwards, 2916 N. Main, LLC
- 3) Respondent's Designation of Additional Matter to be included in the Record on Appeal
- 4) \$50.00 filing fee being delivered by USPS mail service within five (5) business days

Thank you for your attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,



Meredith Brown
Legal Assistant to John S. Nichols, Esq.
Bluestein Thompson Sullivan, LLC

/mb

Enclosures

cc: John S. Nichols, Esq. (john@bluesteinattorneys.com)
Daniel L. Draisen, Esq. (daniel@injuredsc.com)
Brian A. Autry, Esq. (autry@conlaw.com)
David L. Paavola, Esq. (paavola@conlaw.com)
Caitlin S. Cameron, Esq. (cameron@conlaw.com)
Dana W. Lang, Esq. (dana.lang@wbd-us.com)
Christopher B. Major, Esq. (cmajor@hsblawfirm.com)
Paul H. Hoefler, Esq. (phoefler@robinsongray.com)
Clara E. Weston, Esq. (lweston@robinsongray.com)

Meredith Brown

From: Meredith Brown
Sent: Monday, February 9, 2026 3:33 PM
To: 'autry@conlaw.com'; David Paavola; 'cameron@conlaw.com'; 'dana.lang@wbd-us.com'; 'cmajor@hsblawfirm.com'; 'phoefer@robsinsongray.com'; 'lweston@robsinsongray.com'
Cc: John Nichols; Daniel Draisen
Subject: Case No: 2024-CP-04-02229; 2025-001549; 2025-00212- Moats Construction v APB Partnership, LLC, W Edwards, 2916 N Main, LLC
Attachments: 2026.02.09- Ltr to C. Harrison.pdf; 2026.02.09- Motion Requesting Permission to Serve and File Outside of Deadlines.pdf; 2026.02.09- Initial Brief of Respondents ABP Partnership, LLC, W Edwards, 2916 N Main, LLC.pdf; 2026.02.09- Respondent's Designation of Additional Matter.pdf

Dear Counsel,

Please find enclosed for filing the below list for the Respondents APB Partnership, LLC, Wesley Edwards, and 2916 N. Main, LLC, in the above referenced matter :

- 1) Letter to Ms. Catherine Harrison, Esq.
- 2) Motion Requesting Permission to Serve and File Outside the Deadlines the Initial Brief of Respondent and Respondent's Designation of Additional Matter to be Included in the Record on Appeal
- 3) Initial Brief of Respondents APB Partnership, LLC, Wesley Edwards, and 2916 N. Main, LLC
- 4) Respondent's Designation of Additional Matter to be Included in the Record on Appeal

Thank you,
Meredith



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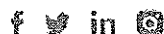
**MEREDITH BROWN OFFICE MANAGER &
LEGAL ASSISTANT TO JOHN S. NICHOLS**

1614 TAYLOR STREET | PO BOX 7965
COLUMBIA, SOUTH CAROLINA 29202

O: 803.779.7599 F: 803 771.8097

MEREDITH@BLUESTEINATTORNEYS.COM

BLUESTEINATTORNEYS.COM



February 9, 2026

BY ELECTRONIC MAIL AND HAND DELIVERY

Catherine S. Harrison, Esquire
Chief Deputy Clerk
The South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

1220 Senate Street
Columbia, South Carolina 29201

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RE: Moats Construction, Inc. v. APB Partnership, LLC, et al.
Appellate Case No. 2025-002012

Dear Ms. Harrison:

Respondents APB Partnership, LLC, Wesley Edwards, 2916 N. Main, LLC (Respondents) have engaged me to assist with the response to this appeal. Please note my appearance for the record.

Also, pursuant to your letter of January 20, 2026, please find enclosed the following:

1. A Motion requesting permission to serve and file the Initial Brief of Respondents and Respondents' Designation of Additional Matter to be Included in the Record on Appeal outside the deadlines set by Rules 208 and 240, SCACR;
2. The proposed Initial Brief of Respondents and Respondents' Designation of Additional Matter for conditional filing;
3. Proof of service of both the Motion and the attached documents upon counsel for the Appellant;
4. The filing fee of \$50.00 for the Motion.

Thank you for your attention. Please let me know if you need anything further.

With kind regards,

Sincerely,

John S. Nichols
Bluestein Thompson Sullivan, LLC
PO Box 7965
Columbia, South Carolina 29202
(803) 779-7599
john@bluesteinattorneys.com

Attorney for Respondents

Enclosures as noted

CC:

Brian A. Autry, Esquire
autry@conlaw.com

David L. Paavola, Esquire
paavola@conlaw.com

Caitlin S. Cameron, Esquire
cameron@conlaw.com

KENISON, DUDLEY & CRAWFORD, LLC
440 Knox Abbott Drive, Suite 510
Cayce, South Carolina 29033
(803) 242-4899

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

Daniel L. Draisen, Esquire
daniel@injuredsc.com

1805 N. Boulevard
Anderson SC 29621

Counsel for Respondents APB Partnership, LLC, Wesley Edwards, 2916 N. Main, LLC

Dana Woodrum Lang, Esquire
dana.lang@wbd-us.com

PO Box 999

Charleston SC 29402

Counsel for W.H. Bass, Inc.

Christopher B. Major, Esquire
cmajor@hsblawfirm.com

PO Box 2048

Greenville SC 29602-2048

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phoefler@robinsongray.com

PO Box 11449
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Clara Elizabeth Weston, Esquire
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