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Apr 15 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Jennifer B. McCoy, Circuit Court Judge

Appellate Case No. 2026-000293
Court of Common Pleas Case No. 2025-CP-10-01435

A Site on Rivers, LLC, and Shelly Leeke Law Firm, LLC, Appellants,

v.

Mashburn Construction Company, Inc.; Plumbing Authority, LLC; Designbuild Mechanical Corporation; Lowcountry Doors & Hardware, Inc.; Collins & Wright, Inc.; Exterior Solutions of Georgia, LLC d/b/a Bone Dry Roofing; B & C Utilities, Inc.; B&C Development, Inc.; Palmetto State Glass, Inc.; Capital Dry Wall, LLC; Air Diagnostics, Inc.; and Thermatech Services, LLC, Defendants,

of which Mashburn Construction Company, Inc. is the Respondent,

AND

Lowcountry Doors & Hardware, Inc., Third-Party Plaintiff,

v.

Global Installation Contracting of Charleston, LLC d/b/a Global Installation Contracting, LLC, Third-Party Defendant.

**RESPONDENT'S RETURN TO APPELLANTS' MOTION TO AMEND NOTICE OF
APPEAL**

Respondent Mashburn Construction Company, Inc. (“Mashburn”), by and through its undersigned counsel, respectfully submits this Return in Opposition to Appellants’ Motion to Amend Notice of Appeal and requests that the Motion be DENIED.

At the outset, Mashburn incorporates herein by reference all arguments set forth in its Return to Appellants’ Motion for Extension of Time to Order Transcript filed March 16, 2026. Those arguments demonstrate Appellants’ repeated failure to comply with the South Carolina Appellate Court Rules and their lack of diligence in prosecuting this appeal.

Further, Appellants now contend they seek to amend their Notice of Appeal to include the March 11, 2026, Order denying their second Motion to Alter or Amend, which is on the same subject matter as their first Motion to Alter or Amend that was already denied January 9, 2026. *See Exhibit A.* However, the procedural posture giving rise to Appellants Motion to Amend Notice of Appeal is entirely of Appellants’ own making. Appellants elected to file *multiple* motions to alter or amend, including one directed at a Form 4 Order that expressly contemplated the entry of a subsequent formal written order. *See Exhibit B.* However, Appellants took it upon themselves to file their Motion to Alter or Amend directed at the Form 4 Order, despite the Court’s express directive that a formal written order would follow. Under these circumstances, the filing of successive Rule 59 motions was unnecessary and served only to create confusion regarding the finality of the orders at issue and the timing of any appeal.

Having created confusion and disregarded the Appellate Rules in their original Notice of Appeal, as detailed in Respondent’s March 16, 2026, Return, Appellants now attempt to cure those defects by amending their Notice of Appeal *and* by filing a new one. They cannot manufacture procedural uncertainty through unnecessary filings and then rely on that uncertainty as a basis for relief from the Appellate Rules. Appellants’ attempt to retroactively “fix” such defects and

confusion through amendment is improper. Their attempt to proceed through amendment underscores the procedural confusion and lack of compliance that has characterized this appeal. This is further compounded by the fact they have *again* failed to include the proper filing fee with their Motion to Amend Notice of Appeal. *See Exhibit C.*

For these reasons, Respondent Mashburn Construction Company, Inc. respectfully requests that this Court deny Appellants' Motion to Amend Notice of Appeal and dismiss the appeal and any subsequently filed Notice of Appeals on the same subject matter.

/s/ Taylor B. Ambrosius
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Taylor B. Ambrosius (SC Bar # 105933)
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ATTORNEYS FOR RESPONDENT

April 15, 2026
Charleston, South Carolina



A Site On Rivers Llc et al
PLAINTIFF(S)

Plumbing Authority Llc et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

Plaintiff A Site On Rivers, LLC's Motion to Reconsider the Order Granting Mashburn Construction Company, Inc's Motion to Stay and Compel Arbitration was received from attorney on December 22, 2025. Plaintiff's motion is hereby DENIED without necessity for a hearing.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/09/2026 .

Thermatech Services Llc
Air Diagnostics Inc
Capital Dry Wall Llc

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Charleston Common Pleas

Case Caption: A Site On Rivers Llc , plaintiff, et al VS Plumbing Authority Llc ,
defendant, et al
Case Number: 2025CP1001435
Type: Order/Electronic Form 4

So Ordered

s/Jennifer B. McCoy #2764



A Site On Rivers Llc et al
PLAINTIFF(S)

Plumbing Authority Llc et al
DEFENDANT(S)

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 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (*CHECK APPLICABLE BOX*):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

Defendant Mashburn Construction Company Inc.'s Motion to Stay and Compel Arbitration was filed on May 15, 2025, and was heard by this Court on November 5, 2025. Defendant's motion is hereby GRANTED. Counsel for Mashburn shall submit a formal proposed order within 10 days by e-filing in word format.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 12/11/2025 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Charleston Common Pleas

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So Ordered

s/Jennifer B. McCoy #2764



The South Carolina Court of Appeals

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CATHERINE S. HARRISON
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April 13, 2026

Ms. Amanda Morgan Blundy, Esquire
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Ms. English Hanahan Maull, Esquire
297 Seven Farms Drive
Suite 200
Charleston SC 29492

Re: A Site on Rivers, LLC v. Mashburn Construction Company, Inc.
Appellate Case No. 2026-000293

Dear Counsel:

Upon reviewing your motion to amend the notice of appeal, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your filing will not be considered:

- The required filing fee has not been submitted. The correct filing fee is \$50.00.

Very truly yours,

Jasmine D. Smith, Deputy
CLERK

cc: Taylor Barbara Ambrosius, Esquire
James Atkinson Bruorton, IV, Esquire

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of which Mashburn Construction Company, Inc. is the Respondent,

AND

Lowcountry Doors & Hardware, Inc., Third-Party Plaintiff,

v.

Global Installation Contracting of Charleston, LLC d/b/a Global Installation Contracting, LLC, Third-Party Defendant.

PROOF OF SERVICE

The undersigned hereby certifies that on April 15, 2026, a copy of Respondent Mashburn Construction Company, Inc.'s Return to Appellants' Motion to Amend Notice of Appeal was served on counsel of record via email to counsels' individual AIS email addresses as follows:

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ATTORNEYS FOR RESPONDENT

April 15, 2026
Charleston, South Carolina

