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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
PROCUREMENT REVIEW PANEL
Willie D. Franks, Chairman

Appellate Case No. 2026-000914
Case No. 2025-5

In Re: Haren Construction, Co., Inc.

Project No. P24-6052-PG Beaufort-Waddel Mariculture Maturation Ponds Maintenance – Re-Bid

Paragon Inc. of South Carolina, LLC, Chief Procurement Officer, State Fiscal Accountability Authority, and South Carolina Department of Natural Resources,

of which Paragon Inc. of South Carolina, LLC and Chief Procurement Officer, State Fiscal Accountability Authority are the Appellants/Respondents, South Carolina Department of Natural Resources is the Respondent/Appellant, and Haren Construction Co., Inc. is the Respondent.

**SCDNR MOTION TO STRIKE PARAGON’S RETURN TO
SCDNR’S MOTION TO DISMISS**

The South Carolina Department of Natural Resources (“SCDNR” or “Department”) submits this Motion to Strike the Paragon Inc. of South Carolina, LLC’s (“Paragon”) Return to SCDNR’s Motion to Dismiss filed in above-captioned matter pursuant to Rule 240, SCACR.

Under the rules of this Court, a return filed in response to a motion must be filed within ten days after service of the motion, unless granted leave by the Court. Rule 240(e), SCACR. Service is accomplished as provided in Rule 262(c), SCACR, and Supreme Court Order re: Methods of Electronic Filing and Service under Rule 262 of the South Carolina Appellate Court Rules (As Amended April 24, 2024). Service may be accomplished by electronic means including sending

the subject document to the attorney for a party at the AIS email address of the attorney. The calculation of time for purposes of such deadlines is established in Rule 263, SCACR, and does not include the date the service actually occurred but runs the next day thereafter.

The Department served its Motion to Dismiss on April 25, 2026 upon James M. Griffin at “jgriffin@griffinhumphries.com,” which is Mr. Griffin’s email address on file in the Court’s AIS directory. (Exhibits 1, 2, and 3). Mr. Griffin is counsel of record for Paragon. Pursuant to the Court’s rules, Paragon had ten days after April 25, 2026 to file and serve its return and the return was required to be filed and served on or before May 5, 2026. Paragon did not file or serve a return until May 7, 2026 and is therefore untimely. (Exhibits 4 and 5). Consequently, the Department respectfully requests that this honorable Court strike Paragon’s Return to SCDNR’s Motion to Dismiss.¹

Respectfully submitted,
s/ Van Whitehead

Susan O. Porter, General Counsel
S.C. Bar No. 68335
PorterS@dnr.sc.gov

Van Whitehead, Deputy General Counsel
S.C. Bar No. 70446
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South Carolina Department of Natural Resources
P.O. Box 167
Columbia, SC 29202
(803) 734-4006

Attorneys for the South Carolina Department of
Natural Resources

May 7, 2026

(SCDNR 25-0060)
(Ct. App. 2026-000914)

¹ If the Department’s pending Motion to Dismiss is not granted first and if this Motion to Strike is denied, the Department respectfully requests five days following the entry of an order on this motion to file a reply to Paragon’s Return, consistent with Rule 240(f), SCACR.

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**EXHIBITS TO SCDNR MOTION TO STRIKE PARAGON'S
RETURN TO SCDNR'S MOTION TO DISMISS**

- 1) SCDNR Motion to Dismiss – Proof of Service
- 2) April 25, 2026 Email transmitting SCDNR Motion to Dismiss and Proof of Service
- 3) AIS Directory Output for James M. Griffin
- 4) May 7, 2026 Email from Jaime Harmon, Legal Assistant to James M. Griffin – transmitting Paragon Return to SCDNR's Motion to Dismiss
- 5) May 7, 2026 Paragon Proof of Service by Jaime Harmon, Legal Assistant to James M. Griffin

Exhibit 1

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Willie D. Franks, Chairman

Case No. 2025-5

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South Carolina Department of Natural Resources
Project No. P24-6052-PG
Beaufort-Waddel Mariculture
Maturation Ponds Maintenance – Re-Bid

PROOF OF SERVICE

I certify that I have served the SCDNR's Motion to Dismiss upon counsel for all parties and the South Carolina Procurement Review Panel in the above captioned matter by sending a copy by email to each attorney listed below on April 25, 2026.

Attorney for the South Carolina Procurement Review Panel

Stephen O'Keefe, General Counsel
Edgar Brown Building
1205 Pendleton Street, Suite 366
Columbia, SC 29201
Stephen.Keefe@prp.sc.gov

Attorney for Paragon Inc. of South Carolina, LLC

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s/ Van Whitehead

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(803) 734-4006

Attorneys for the South Carolina Department of
Natural Resources

April 25, 2026

(SCDNR 25-0060)
(Ct. App. 2026-000914)

Exhibit 2

Van Whitehead

From: Van Whitehead
Sent: Saturday, April 25, 2026 2:35 PM
To: Court Of Appeals Filings; jgriffin@griffinhumphries.com; mgrier@ogc.sc.gov; gplacone@hlpwlaw.com; nicknybo@hlpwlaw.com; Stephen.OKeefe@prp.sc.gov
Cc: Susan O. Porter
Subject: SCNDR Motion to Dismiss - SCDNR Project No. P24-6052-PG / Proc. Rev. Panel Case No. 2025-5 / Ct. App. 2026-000914
Attachments: 2026.4.25 SCDNR Motion to Dismiss -Proof of Service.pdf; 2026.4.25 Exhibits to SCDNR Motion to Dismiss.pdf; 2026.4.25 SCDNR Motion to Dismiss.pdf

Tracking:	Recipient	Delivery
	Court Of Appeals Filings	
	jgriffin@griffinhumphries.com	
	mgrier@ogc.sc.gov	
	gplacone@hlpwlaw.com	
	nicknybo@hlpwlaw.com	
	Stephen.OKeefe@prp.sc.gov	
	Susan O. Porter	Delivered: 4/25/2026 2:35 PM

Good Afternoon:

The South Carolina Department on Natural Resources (SCDNR) hereby submits a Motion to Dismiss in the above referenced matter. The SCDNR Motion to Dismiss (with exhibits in separate pdf) and Proof of Service are attached.

This email and its attachments are filed and served upon counsel for all parties pursuant to Rules 240 and 262, SCACR, and Supreme Court Order re: Methods of Electronic Filing and Service under Rule 262 of the South Carolina Appellate Court Rules (As Amended April 24, 2024).

Pursuant to court rule, the SCDNR's Motion to Dismiss does not require a filing fee because SCDNR is a state agency. Rule 240(d), SCACR.

Please let me know if you need anything further.

Van

Van Whitehead
Deputy General Counsel
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Exhibit 3

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Attorneys

Mr. James Mixon Griffin

BAR NUMBER: 9995

COUNTY: RICHLAND

Griffin Humphries LLC

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Office: (803) 744-0800

jgriffin@griffinhumphries.com

Law School: University of South Carolina School of Law

Graduation Year: 1987

SC Admission Date: November 23, 1987

SC Bar Membership Class: Regular Member

SC Bar Membership Status: Good Standing

Contact Info



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Exhibit 4

Van Whitehead

From: Jaime Harmon <jharmon@griffinhumphries.com>
Sent: Thursday, May 7, 2026 1:47 PM
To: Court Of Appeals Filings
Cc: Jim Griffin; O'Keefe, Stephen; Greg Placone; Nick Nybo; Grier, Manton; Van Whitehead; Susan O. Porter; Liz Herron; Natili, Heather; Elouise Usry; Gillins, Pamela
Subject: RE: Appellate Case No.2026-000914 South Carolina Dept. of Natural Resources Project No. P24-6052-PG Case No. 2025-5
Attachments: 2026-05-07_Paragon_Return_to_DNR_MTD.pdf; 2026-05-07_Paragon_Return_to_DNR_MTD_POS.pdf

Good afternoon,

Please find attached for filing the Appellant/Respondent Paragon Inc. of South Carolina, LLC d/b/a Paragon Builders' Return to South Carolina Department of Natural Resources' Motion to Dismiss and the proof of service in the above-referenced matter.

Thank you for your assistance and please let me know if you have any questions or need anything further.

JAIME HARMON
Legal Assistant



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Exhibit 5

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PROOF OF SERVICE

I, Jaime Harmon, legal assistant at Griffin Humphries LLC, attorneys for the Appellant, located at 8906 Two Notch Road, Suite 200, Columbia, South Carolina 29223, hereby certify that on May 7, 2026, I have served all counsel in this action a copy of the **Paragon Inc. of South Carolina, LLC d/b/a Paragon Builders' Return to South Carolina Department of Natural Resources' Motion to Dismiss** by emailing a copy to each attorney listed below using their primary email address listed in the Attorney Information System.

Served:

Stephen O'Keefe
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Attorneys for S.C. Department of Natural Resources


Jaime Harmon

Columbia, South Carolina
May 7, 2026

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I certify that I have served the **SCDNR MOTION TO STRIKE PARAGON’S RETURN TO SCDNR’S MOTION TO DISMISS** upon counsel for all parties and the South Carolina Procurement Review Panel in the above captioned matter by sending a copy by email to each attorney listed below on May 7, 2026.

Attorney for the South Carolina Procurement Review Panel

Stephen O’Keefe, General Counsel
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s/ Van Whitehead

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(SCDNR 25-0060)
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