

RECEIVED

May 11 2026

SC Court of Appeals

ELECTRONICALLY FILED - 2026 May 11 9:31 AM - RICHLAND - COMMON PLEAS - CASE#2020CP4003915

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas for the Fifth Judicial Circuit

The Honorable William W. Wheeler, III, Circuit Court Judge

Trial Court Case No.: 2020-CP-40-03915

NKD, INC.,

Appellant,

v.

ATC Site Construction, LLC,

Respondent.

NOTICE OF APPEAL

Defendant/Appellant NKD, Inc. (“NKD”) hereby appeals to the South Carolina Court of Appeals from the Order of the Honorable William W. Wheeler, III, dated April 22, 2026, granting ATC Site Construction, LLC’s (“ATC”) Motion to Confirm Arbitration Award and denying NKD’s Motion to Vacate, Modify in Part, and Confirm, in Part, the Arbitration Award.

Respectfully submitted,

By: s/Ellis R. Lesemann

Ellis R. Lesemann, Esq. (S.C. Bar No. 15315)

erl@lalawsc.com

Robert T. Bonds (S.C. Bar No. 106271)

rtb@lalawsc.com

LESEMANN & ASSOCIATES LLC

418 King Street, Suite 301

Charleston, SC 29403

Phone: (843) 724-5155

Attorneys for Appellant NKD, Inc.

May 11, 2026

Charleston, South Carolina

Other Counsel of Record:

R. Trippett Boineau, III, Esq. (S.C. Bar No. 73769)
trippett.boineau@mgclaw.com
George C. James, III, Esq. (SC Bar No. 102745)
MCANGUS GOUDELOCK & COURIE, LLC
1320 Main Street, 10th Floor
Columbia, South Carolina 29201
(803) 779-2300

and

E. Russell Jeter, Esq. (S.C. Bar No. 2997)
rj@jeterlawsc.com
THE JETER LAW FIRM, LLC
1531 Blanding Street
Columbia, South Carolina 29201
(803) 765-0600

and

Robert L. Buchanan, Jr., Esq. (S.C. Bar No. 992)
rlbuchananjr@hullbarrett.com
HULL BARRETT, PC
Post Office Box 517 (29802)
Aiken, South Carolina 29801
(803) 648-4213

Attorneys for Respondent ATC Site Construction, LLC

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas for the Fifth Judicial Circuit

The Honorable William W. Wheeler, III, Circuit Court Judge

Trial Court Case No.: 2020-CP-40-03915

NKD, INC.,

Appellant,

v.

ATC Site Construction, LLC,

Respondent.

PROOF OF SERVICE

I certify on this date that the Notice of Appeal in the above-captioned matter was served upon counsel of record for Respondent ATC Site Construction, LLC at their primary e-mail addresses listed in the Attorney Information System (AIS) as follows:

R. Trippett Boineau, III, Esq. (S.C. Bar No. 73769)
trippett.boineau@mgclaw.com
George C. James, III, Esq. (SC Bar No. 102745)
george.james@mgclaw.com
MCANGUS GOUDELOCK & COURIE, LLC
1320 Main Street, 10th Floor
Columbia, South Carolina 29201

Robert L. Buchanan, Jr., Esq. (S.C. Bar No. 992)
rlbuchananjr@hullbarrett.com
HULL BARRETT, PC
Post Office Box 517
Aiken, South Carolina 29802

E. Russell Jeter, Esq. (S.C. Bar No. 2997)
rj@jeterlawsc.com
THE JETER LAW FIRM, LLC
1531 Blanding Street
Columbia, South Carolina 29201

Attorneys for Respondent ATC Site Construction, LLC

Respectfully submitted,

By: *s/Ellis R. Lesemann*

Ellis R. Lesemann, Esq. (S.C. Bar No. 15315)

erl@lalawsc.com

Robert T. Bonds (S.C. Bar No. 106271)

rtb@lalawsc.com

LESEMANN & ASSOCIATES LLC

418 King Street, Suite 301

Charleston, SC 29403

Phone: (843) 724-5155

Attorneys for Appellant NKD, Inc.

May 11, 2026
Charleston, South Carolina