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Aug 26 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Grace Gilchrist Knie, Circuit Court Judge

Trial Court Case No. 2017CP4202374

Appellate Case Nos. 2025-002050 and 2025-002400

Richard Lewis and Walter Lewis,
Respondents/Appellants

v.

Robert M. Errato, Quinnipiac Associates,
Inc. and Upwards Builders, Inc.,
Defendants

of which Robert M. Errato is the
Appellant/Respondent

SECOND MOTION FOR CLARIFICATION

Appellant/Respondent Robert Errato (“Errato”) hereby submits this second motion to clarify the order of the Court dated August 5, 2026.

On October 7, 2025, Errato filed the instant appeal, No. 2025-002050, against the Respondents/Appellants, Richard and Walter Lewis. On January 12, 2026, Errato filed his initial brief in this case, along with the Designation of Matter to be Included in the Record on Appeal.

In the meantime, on December 2, 2025, Respondents/Appellants filed their own notice of appeal, No. 25-002400, on a different matter within the case.

On January 21, 2026, the Court consolidated these two appellate cases for consideration by this Court.

On April 29, 2026, Errato filed an Amended Initial Brief, addressing both the issues in his appeal as well as the issues in Respondents/Appellants' appeal.

On May 29, 2026, Respondents/Appellants filed an Initial Brief, but only relating to the issues that Errato raised on appeal, rather than the issues on which Respondents/Appellants filed a Notice of Appeal

On June 9, 2026, Errato filed a Reply Brief, addressing the arguments in Respondents/Appellants' initial brief and acknowledging for the Court that Respondents/Appellants failed to raise any of their own issues in their initial brief.

On June 17, 2026, Respondents/Appellants filed a second Initial Brief, finally addressing their own issues on appeal.

On June 30, 2026, Errato filed another responsive brief, opposing Respondents/Appellants' issues on appeal.

On August 5, 2026, the parties received correspondence from the Court, stating that the Court was requesting bound copies of the Record on Appeal, as well as bound copies of all final briefs.

At this point, the request from the Court is unclear. Each party has filed a different Designation of Matter for the Record on Appeal. Thus, it is unclear if each party must print a Record on Appeal, including copies of the documents identified in their individual designations. In the alternative, the Court may be ordering the parties to collaborate and agree as to the Designation of Matter for the Record on Appeal and then prepare a joint bound copy of such Record.

In addition, it is also unclear whether the Court is seeking a bound copy of all filed briefs, including the brief that is yet to be filed by Respondents/Appellants, which is due by September 21, 2026, and whether the parties must collaborate or whether each party must file their own bound copies of their own briefs.

Therefore, Errato brings this motion, asking for clarification on the exact documents that must be bound and submitted to the court, and which parties should submit such bound copies.

August 26, 2026

/s/ Robert M. Errato
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PROOF OF SERVICE

I certify that I have served the SECOND MOTION FOR CLARIFICATION on RICHARD LEWIS, et al by depositing a copy by e-mail, on August 26, 2026, to the attorney of record, JASON M. IMHOFF, 37 VILLA RD STE, 420 GREENVILLE, SC 29615 e-mailto:Jason@imhoff-law.com.

August 26, 2026

s/ Robert M. Errato
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