

The South Carolina Court of Appeals

T. Cox Builders, LLC, Appellant,

v.

Piedmont Vacant Properties, LLC and Watson
Engineering, Inc., Respondents.

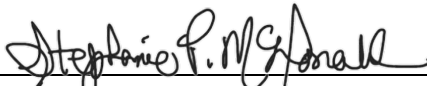
Appellate Case No. 2025-002252

ORDER

On August 17, 2026, Appellant filed a "motion to exclude from the record on appeal an affidavit neither served nor filed, and to strike the portions of Respondents' initial brief that rely on it." Specifically, Appellant moved to exclude from the record on appeal the "affidavit of Tom Scott" designated by Respondents and to strike the portions of Respondents' initial brief that relied on the affidavit. Alternatively, Appellant moved to be relieved from including the affidavit in the record on appeal. On August 18, 2026, Appellant provided a copy of the affidavit to this court. On August 27, 2026, Respondents filed a return to the motion to exclude, arguing the affidavit should be included in the record on appeal as it is relevant to an issue on appeal. After careful consideration, we deny Appellant's motions to exclude and to be relieved from including in the record on appeal the affidavit(s) addressed in this order.

If Appellant wishes to file and serve a counter affidavit, it must do so within thirty (30) days of the date of this order. Respondents may file and serve a reply affidavit within fifteen (15) days of the service of any counter affidavit filed by Appellant.

The panel will determine the weight, if any, to give the affidavit(s).


FOR THE COURT

J.

FILED
Sep 11 2026

Columbia, South Carolina

cc:

Townes Boyd Johnson, III, Esquire

Daniel Richard Fuerst, Esquire

Christopher A. Ogiba, Esquire

Lauren Nicole Vriesinga, Esquire