

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM OCONEE COUNTY  
Court of Common Pleas

Rivers Lawton McIntosh, Circuit Court Judge

Alexander S. Macaulay, Circuit Court Judge and Trial Judge

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Civil Action No.: 2005-CP-37-00788  
Appellate Case No.: 2011-2020946

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MAR 03 2014  
SC Court of Appeals

Tri-County Development, Inc. and Melinda  
Holbrooks,..... Respondents.

v.

Christopher A. Pierce,..... Appellant.

Christopher A. Pierce,..... Third-Party Plaintiff,

v.

Jeff Gray,..... Third-Party Defendant.

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**APPELLANT'S MOTION TO FILE INITIAL BRIEF**

**OR IN THE ALTERNATIVE TO CONSOLIDATE THIS APPEAL WITH THE PENDING  
APPEAL INVOLVING THE MERITS PORTION OF THIS CASE**

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Appellant hereby moves for to file its Initial Brief out of time or in the alternative to consolidate this appeal with the existing underlying appeal related to the merits of the case bearing case no. 2011-202946. This case was tried before a jury and jury verdict entered against Appellant. Respondent made a motion for attorney's fees and costs that took many months to be

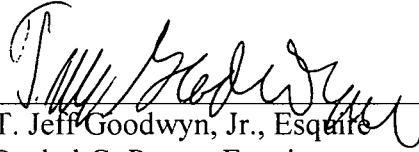
finally ruled on. In the meantime, Appellant appealed the jury verdict and the final briefs of this appeal have already been filed. The trial court ultimately granted Respondent's award for attorney's fees and costs and Appellant appealed this ruling asking in the Notice of Appeal that it be consolidated with the pending appeal to which Counsel for Respondent agrees (see Notice of Appeal attached as Exhibit "A"). The only issue in this appeal is that this award for attorney's fees should be vacated if the underlying jury verdict is vacated in the appeal on the merits, to which counsel for Respondent has indicated that he is in agreement with. Counsel for Appellant is willing to stipulate that if the underlying verdict is not vacated, the award for attorney's fees is final.

In filing the Notice of Appeal, Counsel for Appellant was under the impression that the request for the consolidating the appeals was going to have to be resolved before any brief would be due. The clerk contacted the undersigned today to state that she was waiting for a formal motion to consolidate before it would be considered and that the time to file appellant's initial brief passed last week (2/26/14). Counsel for Appellant reasonably believed the time to file the initial brief had been stayed pending the consolidation request.

As a result, Appellant would ask that these appeals be consolidated since they both relate to the same jury verdict and because there are no other issues to be briefed. Also, Counsel for Respondent agrees that the cases should be consolidated and that a vacating of the underlying verdict would vacate the attorney's fee award while Counsel for Appellant agrees that an affirmation of the underlying jury verdict would keep the attorney's fee award in place.

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Respectfully submitted,



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Rachel G. Peavy, Esquire  
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Attorneys for Appellant

March 3, 2014

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM OCONEE COUNTY  
Court of Common Pleas

Alexander S. Macaulay, Circuit Court Judge

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Civil Action No.: 2005-CP-37-00788

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**SC Court of Appeals**

Tri-County Development, Inc. and Melinda Holbrooks,  
.....Respondents.

v.

Christopher A. Pierce,.....Appellant

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**NOTICE OF APPEAL**

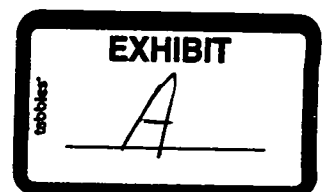
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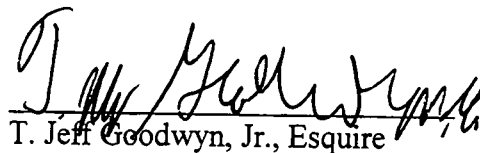
Christopher A. Pierce appeals the denial of his Motion to Reconsider Respondents' Motion for Attorney's Fees. The Order Denying Defendant's Motion for Reconsideration was filed on January 13, 2014 with the Clerk of Court for Oconee County. A copy of the Order denying Mr. Pierce's Motion for Reconsideration is attached hereto. The Appellant, with the consent of counsel for the Respondents, Thomas E. Dudley, III, further requests that this Appeal be consolidated with the pending appeal in this matter, bearing case no. 2011-202946.

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**SC Court of Appeals**





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Attorney for Appellant

January 23, 2014

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM OCONEE COUNTY  
Court of Common Pleas

Alexander S. Macaulay, Circuit Court Judge

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SC Court of Appeals

Civil Action No.: 2005-CP-37-00788

Appellant Case No.: 2014-000196

Tri-County Development and Melinda  
Holbrooks,..... Respondents.

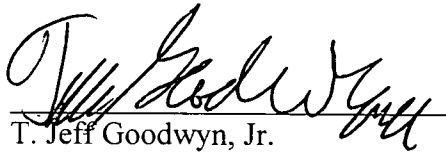
v.

Christopher A. Pierce,..... Appellant

**PROOF OF SERVICE**

I certify that I have served the **Appellant's Motion to Final Brief or in the Alternative to Consolidate this Appeal with the Pending Appeal Involving the Merits Portion of this Case** on Thomas E. Dudley, III, Esquire, Attorney for the Respondents at the address below by depositing a copy of same in the United States Mail, postage prepaid, on March 3, 2014.

Thomas E. Dudley, III, Esquire  
Kenison, Dudley & Crawford, LLC  
704 East McBee Avenue  
Greenville, SC 29601



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Attorneys for Appellant

March 3, 2014

# GOODWYN LAW FIRM, LLC

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March 3, 2014

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**SC Court of Appeals**

**VIA HAND DELIVERY**

Jenny Abbott Kitchings, Clerk of Court  
The South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: *Tri-County Development and Melinda Holbrooks v. Christopher A. Pierce*  
*Civil Action No.: 2005-CP-37-00788*  
*Case No.: 2014-000196*  
*Our File No.: 3500-0014*


Dear Ms. Kitchings:

Enclosed please find an original and one copy of **Appellant's Motion to Final Brief or in the Alternative to Consolidate this Appeal with the Pending Appeal Involving the Merits Portion of this Case** along with a check in the amount of \$25.00 for the filing fee in regard to the above referenced matter. Please file the Motion and return a copy to me in the self-addressed stamped envelope provided.

By copy of this letter to Thomas E. Dudley, III, Esquire, attorney for the Respondents, I am providing him with a copy of same.

Thank you and should you have any questions, please do not hesitate to contact me.

Sincerely,



T. Jeff Goodwyn, Jr.

TJG/msb  
Enclosures

cc: Thomas E. Dudley, III, Esquire  
Chris Pierce