

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

---

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Kristi L. Harrington, Circuit Court Judge

---

Case No. 2014-000615

---

**RECEIVED**

APR 22 2014

**S.C. Supreme Court**

Mark F. Teseniar and Nan M. Teseniar, on behalf of themselves and others similarly situated, and Twelve Oaks at Fenwick Property Owners Association, Inc.,  
Petitioners,

v.

Professional Plastering & Stucco, Inc., Maria Arias, and Miquel Rosales,  
Defendants,

Of whom Professional Plastering & Stucco, Inc. is the Respondent.

Professional Plastering & Stucco, Inc., Respondent

v.

Maria Arias, Miquel Rosales, and APS Unlimited, Inc., Third-Party  
Plaintiffs,

Of whom APS Unlimited, Inc. is the Petitioner.

---

**MOTION TO FILE SUPPLEMENTAL APPENDIX**

---

COMES NOW the Respondent Professional Plastering & Stucco, Inc. by and through their counsel of record requesting leave of this Court to permit Respondent to file a Supplemental Appendix. In support of this motion, Respondent herewith states as follows:

1. A copy of the proposed Supplemental Appendix is attached as Exhibit A.
2. On February 20, 2014 the South Carolina Court of Appeals issued an Order Denying a Rehearing in which the Court incorrectly identified the petitioner of the request for a rehearing as Professional Plastering & Stucco, Inc. whereas the petitioners were Mark F. Teseniar and Nan M. Teseniar, on behalf of themselves and others similarly situated, and Twelve Oaks at Fenwick Property Owners Association, Inc., (App. 2102-2103).
3. On March 21, 2014 Petitioners Mark F. Teseniar and Nan M. Teseniar, on behalf of themselves and others similarly situated, and Twelve Oaks at Fenwick Property Owners Association, Inc. filed their Petition for Writ of Certiorari and joint Appendix on behalf of themselves and Petitioners APS Enterprises Unlimited, Inc.
4. On April 10, 2014 the South Carolina Court of Appeals filed an Amended Order that corrected the name of the petitioners seeking the rehearing as Mark F. Teseniar and Nan M. Teseniar, on behalf of themselves and others similarly situated, and Twelve Oaks at Fenwick Property Owners Association, Inc.
5. Whereas Petitioners have already provided the Appendix to the Court for filing, the submission of a Supplemental Appendix will allow inclusion of

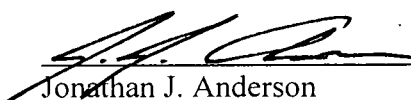
the Amended Order without affecting the pagination of the original Appendix.

6. Counsel for Respondent certifies that they have conferred with Counsel for the Petitioners Mark F. Teseniar and Nan M. Teseniar, on behalf of themselves and others similarly situated, and Twelve Oaks at Fenwick Property Owners Association, Inc. and APS Enterprises Unlimited, Inc. about the substance of this Motion and that Petitioners have consented to the filing of this Motion.

WHEREFORE, Respondent respectfully requests an Order from this Court permitting Respondent to file a Supplemental Appendix containing the Amended Order of the Court of Appeals.

Respectfully submitted,

ANDERSON REYNOLDS & STEPHENS, LLC



Jonathan J. Anderson  
Danielle B. Wegener  
Anderson Reynolds & Stephens, LLC  
37 ½ Broad Street  
Charleston, South Carolina 29401  
843-723-0815

AND

Everett A. Kendall  
Christy E. Mahon  
SWEENY WINGATE & BARROW, PA  
1515 Lady Street  
P O Box 12129  
Columbia, SC 29211  
*Attorneys for Respondent Professional  
Plastering & Stucco, Inc.*

# **EXHIBIT A**

Proposed Supplemental Appendix

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

---

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Kristi L. Harrington, Circuit Court Judge

---

Case No. 2014-000615

---

Mark F. Teseniar and Nan M. Teseniar, on behalf of themselves and others similarly situated, and Twelve Oaks at Fenwick Property Owners Association, Inc.,  
Petitioners,

v.

Professional Plastering & Stucco, Inc., Maria Arias, and Miquel Rosales,  
Defendants,

Of whom Professional Plastering & Stucco, Inc. is the Respondent.

Professional Plastering & Stucco, Inc., Respondent

v.

Maria Arias, Miquel Rosales, and APS Unlimited, Inc., Third-Party  
Plaintiffs,

Of whom APS Unlimited, Inc. is the Petitioner.

---

**SUPPLEMENTAL APPENDIX**  
**(Pages 1-2)**

---

# The South Carolina Court of Appeals

Mark F. Teseniar and Nan M. Teseniar, on behalf of themselves and others similarly situated, and Twelve Oaks at Fenwick Property Owners Association, Inc., Respondents,

v.

Professional Plastering & Stucco, Inc., Maria Arias, and Miquel Rosales, Defendants,

Of whom Professional Plastering & Stucco, Inc. is the Appellant.

Professional Plastering & Stucco, Inc., Appellant,

v.

Maria Arias, Miquel Rosales, and APS Enterprises Unlimited, Inc., Third-Party Plaintiffs,

Of whom APS Unlimited, Inc. is the Respondent.

Appellate Case No. 2011-196386

---

## AMENDED ORDER

---

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, Mark F. Teseniar and Nan M. Teseniar's, on behalf of themselves and others similarly situated, and Twelve Oaks at Fenwick Property Owners Association, Inc.'s petition for rehearing is denied. The time period for perfecting an appeal

Supplement Pg 1

remains unchanged and runs from the date of the original filing of this order on February 20, 2014.

*Thomas C. Hoff*

J.

*John D. Besten*

J.

*James E. ...*

Columbia, South Carolina

cc:

Everett Augustus Kendall, II, Esquire  
Justin O'Toole Lucey, Esquire  
Christy Elizabeth Mahon, Esquire  
Roy Pearce Maybank, Esquire  
Jesse A. Kirchner, Esquire  
Jason Alan Daigle, Esquire  
Amanda R. Maybank, Esquire  
Michael A. Timbes, Esquire  
John T. Chakeris, Esquire  
Phillip Ward Segui, Jr., Esquire  
W. Jefferson Leath, Jr., Esquire  
Jonathan J. Anderson, Esquire  
Danielle Beck Wegener, Esquire  
The Honorable Kristi Lea Harrington

**FILED**

*4/10/14*

*[Signature]*

Supplement Pg 2