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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

Alexander S. Macaulay, Presiding Judge, Seventh Judicial Circuit

Case No. 2009-CP-37-00652
Ct. App. No. 2015-000417

Stoneledge at Lake Keowee Owners' Association, Inc., C. Dan Carson, Jeffrey J. Dauler, Joan W. Davenport, Michael Furnari, Donna Furnari, Jessy B. Grasso, Nancy E. Grasso, Robert P. Hayes, Lucy H. Hayes, Ty Hix, Jennifer D. Hix, Paul W. Hund, III, Ruth E. Isaac, Michael D. Plourde, Mary Lou Plourde, Carol C. Pope, Steven B. Taylor, Bette J. Taylor, and Robert White, Individually, and on Behalf of All others similarly situated, Respondents,

v.

IMK Development Co., LLC, Keowee Townhouses, LLC, Ludwig Corporation, LLC, SDI Funding, LLC, Medallion at Keowee, LLC, Integrys Keowee Development, LLC, Marick Home Builders, LLC, Bostic Brothers Construction, Inc., Miller/Player & Associates; Bradford D. Seckinger; John Ludwig, William C. Cox, Larry D. Lollis, Rick Thoennes, M. Group Construction and Development, LLC, Mel Morris, Joe Bostic, Jeff Bostic, Clear View Construction, LLC, Michael Franz, MHC Contractors, Miguel Porras Choncoas, Builders FirstSource Southeast Group, Mike Green, Southern Concrete Specialties, Carl Compton d/b/a Compton Enterprise d/b/a Compton Enterprises, Gunter Heating & Air, All Pro Heating, A/C & Refrigeration, LLC, Coleman Waterproofing, Heyward Electrical Services, Inc., Tinsley Electrical, LLC, Hutch N Son Construction, Inc., Upstate Utilities, Inc., Southern Basements, Inc., Carl Catoe Construction, Inc., T.G. Construction, LLC, Delfino Construction; Francisco Javier Zarate d/b/a Zarate Construction, Alejandro Avalos Cruz, Herberto Acros Hernandez, Martin Hernandez-Aviles; Francisco Villalobos Lopez, Ambrosio Martinez-Ramirez; Ester Moran Mentado, Socorro Castillo Montel, Upstate Utilities, Inc., MJG Construction and Homebuilders, Inc. d/b/a MJG Construction, KMAC of the Carolinas, Inc., Eufacio Garcia, Everado Jarmamillo, Garcia Parra Insulation, Inc., J&J Construction, Jose Nino, Jose Manuel Garcia, Eason Construction, Inc., and Vincent Morales d/b/a Morales Masonry, Defendants,

Of Whom Bostic Brothers Construction, Inc. is the Appellant.

SECOND AMENDED NOTICE OF APPEAL

Bostic Brothers Construction, Inc. ("Appellant") appeals these certain Orders of the Honorable Alexander S. Macaulay:

1. Order denying Appellant's Motion for Directed Verdict at the close of Plaintiffs' case during trial;
2. Order denying Appellant's Motion for Directed Verdict at the close of Defendants' case during trial;
3. Final Judgment, Apportionment Form, and Jury Verdict Form filed November 8, 2013 (attached hereto as "Exhibit A");
4. Form 4 and accompanying Order Denying Defendants' Post-Trial Motions filed on January 22, 2015 (attached hereto as "Exhibit B"). Appellants received written notice of the entry of this order on January 27, 2015, ostensibly denying Defendant Bostic Brothers Construction, Inc.'s Post Trial Motions, which are as follows¹:
 - a. Bostic Brothers Construction Inc.'s First Post Trial Motion: Motion for Judgment Notwithstanding the Verdict;
 - b. Bostic Brothers Construction, Inc.'s Second Post Trial Motion: Motion for Set Off;
 - c. Bostic Brothers Construction, Inc.'s Third Post Trial Motion: Motion for a New Trial Absolute; and
 - d. Bostic Brothers Construction, Inc.'s Fourth Post Trial Motion: Motion for a New Trial Nisi Remittitur.
5. Form 4 Judgment filed January 30, 2015, amending prior Form 4 Judgment filed November 8, 2013. Appellants received written notice of the entry of this judgment on February 4, 2015 (attached hereto as "Exhibit C").
6. Order Denying Bostic Brothers Construction Inc.'s Rule 59 Motion to Reconsider filed March 13, 2015. Appellants received written notice of the entry of this order on March 16, 2015 (attached hereto as "Exhibit D").

¹ Bostic Brothers Construction, Inc. filed its Post Trial Motions on November 18, 2013.

March 17, 2015



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COUNSEL OF RECORD:

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v.

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Of Whom Bostic Brothers Construction, Inc. is the Appellant.

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PROOF OF SERVICE

I certify that I have served the Second Amended Notice of Appeal on Respondents by depositing a copy of it in the United States Mail, First Class postage prepaid, on March ~~17~~, 2015, addressed to Respondents' attorneys of record, Robert T. Lyles, Jr., Esquire, Lyles & Lyles, LLC, PO Box 773, Charleston, SC 29402.

Also served by the same means are the following: Cynthia Buck Brown, Esquire and R. Patrick Smith, Esquire of Harper Lambert & Brown, PA, P.O. Box 908, Greenville, SC 29602 (attorneys for IMK Development Co., LLC, Integrys Keowee Development, LLC, William C. Cox, and Larry Lollis), Jason M. Imhoff, Esquire and Chad M. Graham, Esquire of The Ward Law Firm, P.A., P.O. Box 5663, Spartanburg, SC 29304 (attorneys for Marick Home Builders, LLC and Rick Thoennes).

Copies of the Orders are attached hereto as Exhibits A through D.

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March 17, 2015

FIRST-CLASS MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RECEIVED
MAR 20 2015
SC Court of Appeals

RE: Stoneledge v. Bostic Brothers Construction
C. A. No: 2009-CP-37-0652
Ct. App. No.: 2015-000417

Dear Ms. Kitchings:

Enclosed for filing with regard to the above-referenced matter, please find the following:

1. Second Amended Notice of Appeal;
2. Copies of the orders and judgments that have been reduced to writing and are being challenged on appeal (Exhibits A, B, C, and D);
3. Proof of Service of the Notice of Appeal on the Respondents; and
4. Our copy of correspondence to the Oconee County Clerk of Court.

I have also included an extra copy of the Second Amended Notice of Appeal with Proof of Service and would appreciate your returning these filed copies to our office in the enclosed self-addressed stamped envelope.

Thank you for your assistance in this matter. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Elizabeth F. Wieters
Elizabeth F. Wieters

EFW/slf
Enclosures

cc: Robert T. Lyles, Jr. Esq,
Jason M. Imhoff, Esq.
Cynthia Buck Brown, Esq.
The Honorable Alexander S. Macaulay
Ms. Beverly H. Whitfield – Oconee County Clerk of Court