

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM THE OCONEE COUNTY  
Court of Common Pleas  
The Honorable Alexander S. Macaulay  
TENTH JUDICIAL CIRCUIT COURT JUDGE

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**RECEIVED**

APR 02 2015

CIVIL ACTION NO. 2009-CP-37-00652  
Appellate Case No. 2015-000343

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**SC Court of Appeals**

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, Plaintiffs

Of Whom Stoneledge at Lake Keowee Owners' Association, Inc. is the Respondent,

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 First Source-Southeast Group; Mike Green; Southern Concrete Specialties; Carl Compton d/b/a Compton Enterprize a/k/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; Carl Catoe Construction, Inc.; T.G. Construction, LLC; Delfino Construction; Francisco Javier Zarate d/b/a Zarate Construction; Alejandro Avalos Cruz; Herberito Acros Hernandez; Martin Hernandez-Aviles; Francisco Villalobos Lopez; Ambrosio Martinez-Ramirez; Ester Moran Mentado; Socorro Castillo Montel; MJG Construction and Homebuilders, Inc. d/b/a MJG Construction; KMAC of the Carolinas, Inc.; Eufacio Garcia; Everado Jarmamillio; Garcia Parra Insulation, Inc.; J&J Construction; Jose Nino; Jose Manuel Garcia; Eason Construction, Inc.; Vincent Morales d/b/a Morales Masonry and Miller Player & Associates, Defendants,

Of Whom IMK Development Co., LLC, Integrys Keowee Development, LLC, William C. Cox and Larry D. Lollis are the Appellants.

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**SUPPLEMENTAL NOTICE OF APPEAL**

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IMK Development Co., LLC, Integrys Keowee Development, LLC, William C. Cox, and Larry D. Lollis (“Appellants”) have previously appealed certain Orders of the Honorable Alexander S. Macaulay:

- 1) Order Granting Leave to File Third Amended Complaint filed March 29, 2012;
- 2) Form 4 Order Denying Defendants Cox and Lollis’s Motions for Summary Judgment filed July 25, 2013;
- 3) Order Granting Summary Judgment as to Defendants Marick Home Builders, LLC and Rick Thoennes as to Cross Claims from Integrys Keowee Development, LLC, IMK Development Co., LLC, Larry D. Lollis, and William C. Cox filed October 21, 2013;
- 4) Final Judgment, Jury Verdict Form, and Apportionment Form filed November 8, 2013;
- 5) Order filed January 22, 2015 Denying Defendants Marick Home Builders, LLC, Rick Thoennes, IMK Development Co., LLC, Integrys Keowee Development, LLC, William C. Cox and Larry D. Lollis’s Post-Trial Motions. Appellants received written notice of the entry of this Order on January 24, 2015 and attached all prior orders pursuant to, *inter alia*, S.C. Code Ann. § 14-3-330; and
- 6) Form 4 Judgment filed January 30, 2015 (“Amended Judgment”) amending prior Form 4 Judgment filed November 8, 2013, by its terms backdated to the filing date of the November 8, 2013 Judgment. Appellants filed a Motion to Reconsider such January 30, 2015 Amended Judgment with the trial court, to the extent such Amended Judgment represented a new and different ruling from its prior orders. Such Motion to Reconsider has now been ruled on by the trial court in a March 13, 2015 Order, which is the subject of the instant Supplemental Notice of Appeal.

Said prior Notice of Appeal was timely received by the Court of Appeals, was given the appellate tracking number 2015-000343, and is proceeding in due course. Now come Appellants, who also appeal that certain March 13, 2015 Order Denying Appellants’ Motion for Reconsideration of the Form 4 Judgment filed January 30, 2015. Said March 13, 2015 Order is attached hereto as Exhibit (1). Appellants received written notice of the entry of this Order on March 16, 2015. This Supplemental Notice of Appeal should be consolidated with the prior Notice of Appeal so that this matter may proceed in its entirety before this Court.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

March 31, 2015  
Greenville, South Carolina



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LLC, William C. Cox and Larry D. Lollis*

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*Attorney for Respondent, Stoneledge at  
Lake Keowee Owners' Association, Inc.*

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM THE OCONEE COUNTY  
Court of Common Pleas  
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**SC Court of Appeals**

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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, Plaintiffs

Of Whom Stoneledge at Lake Keowee Owners' Association, Inc. is the Respondent,

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 First Source-Southeast Group; Mike Green; Southern Concrete Specialties; Carl Compton d/b/a Compton Enterprize a/k/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; Carl Catoe Construction, Inc.; T.G. Construction, LLC; Delfino Construction; Francisco Javier Zarate d/b/a Zarate Construction; Alejandro Avalos Cruz; Herberito Acros Hernandez; Martin Hernandez-Aviles; Francisco Villalobos Lopez; Ambrosio Martinez-Ramirez; Ester Moran Mentado; Socorro Castillo Montel; MJG Construction and Homebuilders, Inc. d/b/a MJG Construction; KMAC of the Carolinas, Inc.; Eufacio Garcia; Everado Jarmamillio; Garcia Parra Insulation, Inc.; J&J Construction; Jose Nino; Jose Manuel Garcia; Eason Construction, Inc.; Vincent Morales d/b/a Morales Masonry and Miller Player & Associates, Defendants,

Of Whom IMK Development Co., LLC, Integrys Keowee Development, LLC, William C. Cox and Larry D. Lollis are the Appellants.

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**PROOF OF SERVICE**

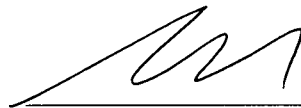
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This is to certify that Appellants IMK Development Co., LLC, Integrys Keowee Development, LLC, William C. Cox and Larry D. Lollis's ***Supplemental Notice of Appeal with Exhibit 1*** was served on counsel in the above-referenced appeal by placing a copy of said document in the United States Mail on this the 31<sup>st</sup> day of March, 2015, addressed as follows:

Robert T. Lyles, Jr.  
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PO Box 773  
Charleston, SC 29401  
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40 Calhoun Street, Suite 550  
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*Attorneys for Appellant, Bostic Brothers Construction, Inc.*

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PO Box 5663  
Spartanburg, SC 29304  
*Attorneys for Appellants Marick Home Builders, LLC and Rick Thoennes*



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*Attorneys for Appellants IMK Development  
Co., LLC, Integrys Keowee Development,  
LLC, William C. Cox and Larry D. Lollis*

**HL&B**  
HARPER, LAMBERT & BROWN  
ATTORNEYS AT LAW

R. Patrick Smith  
Attorney at Law  
[psmith@hlblegal.com](mailto:psmith@hlblegal.com)

March 31, 2015

The Honorable Beverly H. Whitfield  
Oconee County Clerk of Court  
PO Box 678  
Walhalla, SC 29691

**RECEIVED**

APR 02 2015

Re: Stoneledge v. IMK Dev. (Integrays Keowee)  
Appellate Case No. 2015-000343

**SC Court of Appeals**

C.A. No. 2009-CP-37-00652

Dear Ms. Whitfield:

Enclosed please find for filing are the Supplemental Notice of Appeal with Exhibit 1 and Proof of Service in the above-referenced matter. Please return clocked copies to me in the envelope provided for your convenience. Should you have any questions, please do not hesitate to contact me at your earliest convenience.

Sincerely,

HARPER, LAMBERT & BROWN, P.A.



R. Patrick Smith

RPS:bb

Enclosures

cc:  The Honorable Jenny Abbott Kitchings (via U.S. mail, letter only)  
Robert T. Lyles, Jr., Esq. (via e-mail and U.S. mail, w/encs.)  
Alan R. Belcher, Jr., Esq. (via e-mail and U.S. mail, w/encs.)  
Elizabeth F. Wieters, Esq. (via e-mail and U.S. mail, w/encs.)  
Jason M. Imhoff, Esq. (via e-mail and U.S. mail, w/encs.)  
Chad M. Graham, Esq. (via e-mail and U.S. mail, w/encs.)

March 31, 2015

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

**RECEIVED**

APR 02 2015

**SC Court of Appeals**

Re: Stoneledge v. IMK Dev. (Integrays Keowee)  
Appellate Case No. 2015-000343

Dear Ms. Kitchings:

Enclosed for filing on behalf of the Appellants IMK Development Co., LLC, Integrays Keowee Development, LLC, William C. Cox and Larry D. Lollis with regard to the above-referenced matter, please find the following:

1. Supplemental Notice of Appeal with Exhibit 1;
2. Proof of Service of Supplemental Notice of Appeal on the Respondent; and
3. Cover letter accompanying Supplemental Notice of Appeal with Exhibit 1 to Oconee County Clerk of Court.

We have also included extra copies of the Supplemental Notice of Appeal and Proof of Service and would appreciate you returning these copies, filed-stamped, to me in the envelope provided for your convenience. Should you have any questions, please do not hesitate to contact me at your earliest convenience.

Sincerely,

HARPER, LAMBERT & BROWN, P.A.



R. Patrick Smith

RPS:bb

Enclosures

cc: Robert T. Lyles, Jr., Esq. (via U.S. mail and e-mail, w/encs.)  
Alan R. Belcher, Jr., Esq. (via U.S. mail and e-mail, w/encs.)  
Elizabeth F. Wieters, Esq. (via U.S. mail and e-mail, w/encs.)  
Jason M. Imhoff, Esq. (via U.S. mail and e-mail, w/encs.)  
Chad M. Graham, Esq. (via U.S. mail and e-mail, w/encs.)