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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

SC Court of Appeals

R. Markley Dennis, Circuit Judge

Appellate Case No. 2014-002766

Circuit Court Case No. 2012-CP-10-3857

Shipwatch Condominium Association, Inc.,..... .Appellant,

v.

Carolina Concrete Systems, Inc.; Sisroy Engineering, LLC; Robert G. Sisroy, individually; Terrence J. McKelvey; Glasgow Roofing, Inc ; GlassTec, Inc.; Spectech, Inc.; Sonnebom, Inc.; Chimney Sweeps, Inc.; Low Country Chimneys, Inc.; Charleston Glass Company, Inc.; First Exteriors, LLC; Acrocrete, Inc.; BASF Corp.; Gary Freeman Architect, EFCO Corp.; W.C. Johnston Architectural Inc.; Gary Freeman, individually,.....Defendants,

Of which Carolina Concrete Systems, Inc.; Sisroy Engineering, LLC, Robert G. Sisroy, individually; Terrence J. McKelvey; Glasgow Roofing, Inc ; GlassTec, Inc.; Spectech, Inc.; Sonnebom, Inc., Chimney Sweeps, Inc ; Low Country Chimneys, Inc ; Charleston Glass Company, Inc.; First Exteriors, LLC; Acrocrete, Inc.; BASF Corp.; Gary Freeman Architect, EFCO Corp.; W.C Johnston Architectural Inc.; Gary Freeman, individually are.....Respondents.

RESPONDENTS ACROCRETE, INC.'S and GLASSTEC, INC.'S JOINT MOTION TO
DISMISS APPEAL AS TO ACROCRETE, INC. and GLASSTEC, INC.

Pursuant to Rule 240, SCACR, Acrocrete, Inc. and GlassTec, Inc (hereinafter referred to collectively as "Movants") move to dismiss this appeal as to Movants on the ground that they have been improperly named as parties to this appeal.


Movants have been designated as "Respondents." Rule 202(a), SCACR, provides that the "adverse party" shall be designated as the respondent Here, Appellant is appealing an order

granting Carolina Concrete Systems, Inc. (“Carolina Concrete”) summary judgment. Neither Movant herein joined in Carolina Concrete’s motion for summary judgment or presented any argument or other evidence to the circuit court on that motion. Likewise, the circuit court’s Form 4 Order, as written, does not grant either Movant any relief.¹ In fact, each of the Movants filed its own motion for summary judgment and memorandum of law in support and requested a hearing on the same. To date, the motions have not yet been heard. In short, because Movants are not parties to the order being appealed, and were not granted relief by that order, they are not “adverse parties” under Rule 202(a).

In light of the foregoing, Movants request that the appeal as to them be dismissed and that their designations as respondents be stricken from the caption.


Respectfully submitted,


WOMBLE CARYLE SANDRIDGE & RICE, LLP

 4/1/15

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¹ To date, a more formal written order has not been entered by the lower court

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Of which Carolina Concrete Systems, Inc.; Sisroy Engineering, LLC; Robert G. Sisroy, individually; Terrence J. McKelvey; Glasgow Roofing, Inc.; GlassTec, Inc.; Spectech, Inc.; Sonnebom, Inc.; Chimney Sweeps, Inc.; Low Country Chimneys, Inc.; Charleston Glass Company, Inc.; First Exteriors, LLC; Acrocrete, Inc.; BASF Corp.; Gary Freeman Architect, EFCO Corp.; W.C. Johnston Architectural Inc.; Gary Freeman, individually areRespondents.

PROOF OF SERVICE

I certify that I have served Respondents Acrocrete, Inc.'s and GlassTec, Inc.'s *Motion to Dismiss as to Respondents Acrocrete, Inc and GlassTec, Inc* by depositing a copy in the U.S mail, postage paid, on April 1, 2015, and via electronic mail addressed to counsel of record as set forth below:

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