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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

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APR 13 2015

SC Court of Appeals

Circuit Case Nos. 2012-CP-10-3857 and 2012-CP-10-3858

Appellate Case Nos. 2014-002766 and 2014-002765

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.; Spectec, Inc.; Sonneborn, Inc.; Chimney Sweeps, Inc.; Low Country Chimneys, Inc.; EFCO Corp.; W.C. Johnston Architectural Sales, Inc.; Charleston Glass Company, Inc.; First Exteriors, LLC; Acrocrete, Inc.; BASF Corp.; Gary Freeman Architect, 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.; Sonneborn, Inc.; EFCO Corp.; W.C. Johnston Architectural Sales, Inc.; Charleston Glass Company, Inc.; First Exteriors, LLC; Acrocrete, Inc.; BASF Corp.; Gary Freeman Architect, Inc.; Gary Freeman, individually, are ..... Respondents.

and

Oscar Mendiando, individually and as representative of a class of similarly situated owners of condominium units in the horizontal property regime known as Shipwatch Condominiums, ..... Appellant,

v.

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

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**APPELLANTS' MOTION TO CONSOLIDATE CASES FOR APPEAL**

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Christopher M. Ramsey  
ROBERTSON HOLLINGSWORTH & FLYNN  
177 Meeting Street, Suite 300  
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Attorneys for Appellant

The Appellants in each of the two cases captioned above hereby move this Honorable Court to consolidate these cases for purposes of appeal. Rule 214, SCACR, provides, "Where there is more than one appeal from the same order, judgment, decision or decree, or where the same question is involved in two or more appeals in different cases, the appellate court may, in its discretion, order the appeal to be consolidated."

These cases involve allegedly negligent repair work performed at Shipwatch, a 104 unit oceanfront condominium complex located on Isle of Palms, South Carolina. One case was brought by the Shipwatch condominium association. The other case was filed against the same defendants by Oscar Mendiondo, who is the certified Class Representative of the class of the 104 unit owners at Shipwatch. Following a hearing, the lower court entered an identical Form 4 Order in each case granting Carolina Concrete Systems, Inc.'s Motion for Summary Judgment in part. The issues of law and fact are substantially the same in both cases, and the Orders being appealed from are identical. Therefore, in the interest of judicial economy, Appellants respectfully request that the Court consolidate these cases for purposes of appeal.

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By: 

R. Patrick Flynn  
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**Attorneys for Appellants**

Charleston, South Carolina  
April 10, 2015

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Gary Freeman Architect, Inc.; Gary Freeman, individually,

Of Whom, Carolina Concrete Systems, Inc.; Sisroy Engineering, LLC; Robert G. Sisroy,  
individually; Terrence J. McKelvey; Glasgow Roofing, Inc.; GlassTec, Inc.; Sonneborn, Inc.;  
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Exteriors, LLC; Acrocrete, Inc.; BASF Corp.; Gary Freeman Architect, Inc.; Gary Freeman,  
individually, are,..... Respondents.

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CERTIFICATE OF SERVICE

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I, Frances Klotsch, an employee of Robertson Hollingsworth & Flynn, hereby certify that I have served parties in this action with a copy of the following document(s) via U.S. Mail and E-Mail as follows:

- Appellant's Return to Acrocrete, Inc.'s and Glasstec, Inc.'s Joint motion to Dismiss Appeal

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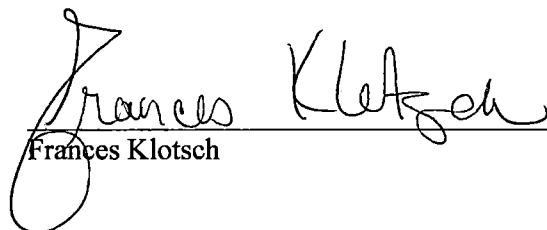
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April 10, 2015

  
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SC Court of Appeals

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Robert J. Cardillo (SC, IL, MI)  
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Christopher M. Ramsey (SC, GA)

April 10, 2015

South Carolina Court of Appeals  
Clerk of Court  
1220 Senate St.  
Columbia, South Carolina 29201

Re: Shipwatch Condominium Association, Inc. vs. Carolina Concrete Systems, et al  
Appellate Court No. 2014-002766, and,  
Oscar Mendiondo, individually and as representative of a class of similar situated  
owners of condominiums units in the horizontal property regime known as  
Shipwatch Condominiums vs. Carolina Concrete Systems, *et al*  
Appellate Case No. 2014-002765

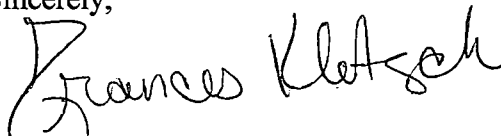
Dear Sir or Madam:

Enclosed please find the original and seven (7) copies of the Appellant's Motion to Consolidate Cases for Appeal in the above-referenced matters. By copy of this letter, I am serving the same upon all counsel of record.

I have also enclosed a self-addressed, postage-paid envelope and request that you return one file stamped copy to me at your convenience. Please also find a filing fee check in the amount of \$25.00.

If you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,



Frances Klotsch

Legal Assistant to R. Patrick Flynn

RPF/fak  
Enclosures

cc: All Counsel of Record (via US Mail and email)



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