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IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

JUN 04 2015

R. Markley Dennis, Circuit Judge

SC Court of Appeals

Appellate Case No. 2014-002766

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

Shipwatch Condominium Association,.....Appellants,

v.

Carolina Concrete Systems, Inc.; Sisroy Engineering, LLC; Robert G. Sisroy, individually; Terrence J. McKelvey; Glasgow Roofing, Inc.; GlassTec, Inc.; Spectech, Inc.; Sonneborn, Inc.; Chimney Sweeps, Inc.; Lowcountry 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. are Respondents.

GLASGOW ROOFING, INC.'S MOTION TO FILE OUT OF TIME

Pursuant to Rule 240, SCACR, Glasgow Roofing, Inc. (hereinafter referred to as "Movant") move for leave to file their initial brief out of time. Movant has also moved to dismiss this appeal as to Movants on the ground that they have been improperly named as parties to this appeal. In the event that that motion is denied the Movant begs for leave to file their initial brief out of time on the grounds that the Movant had a good faith belief that the Movant was improperly included in this appeal.

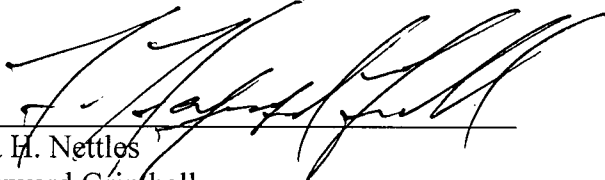
Memorandum in Support

Movant has 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. Movant did not join in Carolina Concrete’s motion for summary judgment or present any argument or other evidence to the circuit court on that motion. Likewise, the circuit court’s Form 4 MOrder, as written, does not grant the Movant any relief. In fact, the Movant filed its own motion for summary judgment and requested a hearing on the same. To date, that motion has not been heard or ruled upon. In short, because the movant was not party to the order being appeal and not granted relief by that order, the Movant is not an “adverse party” under rule 202(a). Further, because the Movant was granted no relief by the circuit court below the Appellant has no right to an appeal naming the Movant as a Respondent per SCACR rule 201. It was reasonable for the Movant to conclude that this appeal did not properly include the Movant. Thus the Movant should have leave to file its initial brief out of time if the Movant’s motion to dismiss is not granted.

In light of the foregoing, the Movant renews its request that the Movant be dismissed as a party to the above captioned appeal and that their designations as respondents be stricken from the caption, but in the event this motion is denied the Movant begs for leave to file its initial brief out of time.

[Signature page to immediately follow]

RICHARDSON PLOWDEN & ROBINSON, P.A.

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ATTORNEYS FOR GLASGOW ROOFING
COMPANY, INC.

June 2, 2015

Charleston, South Carolina

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

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JUN 04 2015

R. Markley Dennis, Circuit Judge

SC Court of Appeals

Appellate Case No. 2014-002766

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Shipwatch Condominium Association,.....Appellants,

v.

Carolina Concrete Systems, Inc.; Sisnroy Engineering, LLC; Robert G. Sisnroy, individually; Terrence J. McKelvey; Glasgow Roofing, Inc.; GlassTec, Inc.; Spectech, Inc.; Sonneborn, Inc.; Chimney Sweeps, Inc.; Lowcountry 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. are Respondents.

PROOF OF SERVICE

I CERTIFY THAT I HAVE SERVED Respondent Glasgow Roofing, Inc.'s *Motion to File Out of Time* by depositing a copy in the U.S. mail, postage paid, on June 3, 2015, and via electronic mail addressed to counsel of record as set forth below:

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ATTORNEYS FOR GLASGOW ROOFING
COMPANY, INC.

June 4, 2015

Charleston, South Carolina

June 3, 2015

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JUN 04 2015

SC Court of Appeals

Court of Appeals
Hon. Jenny Abbott Kitchings
P.O. Box 11629
Columbia, SC 29211

Re: *Shipwatch Condominium Association, Inc. vs. First Exteriors, et al*
Appellate Case No. 2014-002766
Case No. 2012-CP-10-3857
Oscar Mendiondo, et al. vs. First Exteriors, et al
Appellate Case No. 2014-002765
Case No. 2012-CP-10-3858

Dear Madam Clerk:

Please find enclosed an original and seven copies of each of the following:

Glasgow Roofing, Inc.'s Motion to Dismiss Appeal, Motion to Strike, and
Memorandum in Support in Case No. 2014-002765

Glasgow Roofing's Motion to File Out of Time in Case No. 2014-002765
and

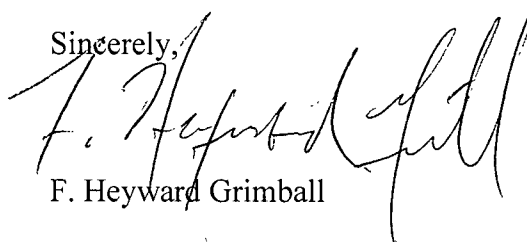
Glasgow Roofing, Inc.'s Motion to Dismiss Appeal, Motion to Strike, and
Memorandum in Support in Case No. 2014-002766

Glasgow Roofing's Motion to File Out of Time in Case No. 2014-002766

Please file the original documents and return a clocked copy to me in the self-addressed, stamped envelope which is provided herein along with four checks, each in the amount of \$25.00.

Thank you for your kind assistance in this matter.

Sincerely,



F. Heyward Grimball

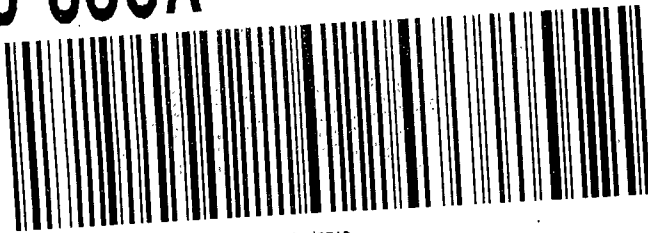
FHG/ksw
Enclosures

cc: Counsel of Record (w/ enclosures)

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FedEx Priority Overnight
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SC Court of Appeals

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