

7/2/17

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

R. Markley Dennis, Circuit Judge

**RECEIVED**  
JUN 04 2015  
SC Court of Appeals

Appellate Case No. 2014-002765

Circuit Court Case No. 2012-CP-10-3858

Oscar Mendiondo, Individually and as a representative of a class of similarly situated owners of Condominium units in the horizontal property regime known as Shipwatch Condominiums,.....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 DISMISS APPEAL, MOTION TO STRIKE, & MEMORANDUM IN SUPPORT

Pursuant to Rule 240, SCACR, Glasgow Roofing, Inc. (hereinafter referred to as "Movant") move to dismiss this appeal as to Movant and to strike the Movant from the caption as a respondent on the ground that they have been improperly named as parties to this appeal.

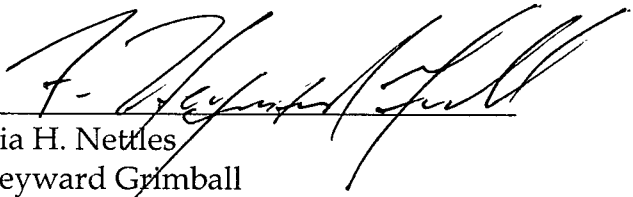
MEMORANDUM IN SUPPORT

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 Order, 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.

In light of the foregoing, the Movant requests that the Movant be dismissed as a party to the above captioned appeal and that their designation as a respondent be stricken from the caption.

*[Signature page to immediately follow]*

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ATTORNEYS FOR GLASGOW ROOFING  
COMPANY, INC.

June 3, 2015

Charleston, South Carolina

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

R. Markley Dennis, Circuit Judge

Appellate Case No. 2014-002765

Circuit Court Case No. 2012-CP-10-3858

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**SC Court of Appeals**

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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 Dismiss Appeal, Motion to Strike, & Memorandum in Support* 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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*Pro Se-Defendant*

*[Signature page to immediately follow]*

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ATTORNEYS FOR GLASGOW ROOFING  
COMPANY, INC.

June 24, 2015

Charleston, South Carolina

June 3, 2015

**RECEIVED**

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

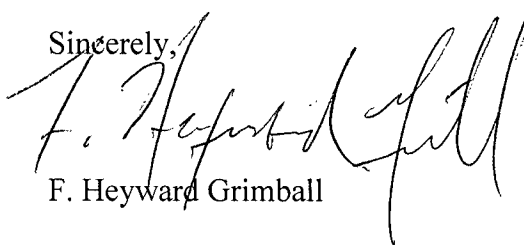
Glasgow Roofing, Inc.'s Motion to Dismiss Appeal, Motion to Strike, and  
Memorandum in Support in Case No. 2014-002766

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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JUN 04 2015



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