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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

William P. Keesley, Circuit Court Judge

Case No. 2011-CP-32-1929

RECEIVED

JUL 07 2015

SC Court of Appeals

Rose Electric, Inc., Appellant

v.

Cooler Erectors of Atlanta, Inc., Southern Produce, Inc., S2P, LLC, Certified
Development Corporation of South Carolina, Senn Bros., Inc.,
Custom Concrete of Lexington, Inc., and
James Dunlap d/b/a Dunlap Services, Defendants

Of whom

Southern Produce, Inc., and S2P, LLC, are Respondents

MOTION TO COMPEL FILING OF BRIEF

The above-named Appellant, Rose Electric, Inc., does hereby move this
Court for an Order to compel Respondent Southern Produce, Inc. to file its initial
brief.

The actions for the processing of this appeal so far are as follows:

- A. January 28, 2015 – Filing of Initial Brief of Appellant;
- B. February 25, 2015 – Counsel for Respondent Southern Produce,
Inc. submitted a letter to the Clerk of Court requesting additional time to file

WPK
7/7/15

Respondent's Brief on the grounds she needed to obtain a transcript of a post-trial hearing held before the lower court.

C. March 3, 2015 – Filing of Initial Brief of Respondent S2P, LLC.

D. March 9, 2015 – Counsel for Appellant requests extension to file Reply Brief.

E. March 10, 2015 – Counsel for Respondent Southern Produce, Inc. obtained an extension to obtain the transcript.

F. The Transcript of the post-trial hearing has not been obtained so far.

G. May 1, 2015 – Counsel for Appellant wrote a letter to the Clerk of Court detailing the status of the obtaining of the transcript and reported that the court reporter had asked counsel for Respondent Southern Produce, Inc. for clarification on the request, but she had not received any response as of May 1, 2015.

H. June 16, 2015 – The Clerk of Court put in a letter addressed to counsel for Respondent Southern Produce, Inc. that she had 10 days to provide a status update as to obtaining the transcript.

I. The 10 days expired on June 26, 2015, and no response has been made to this request.

Counsel for Appellant Rose Electric, Inc. has not received any communications from counsel for Respondent Southern Produce, Inc. as of this date.

WAD
7/7/15

Appellant Rose Electric, Inc. therefore moves that this Court issue an Order requiring the submission of Respondent's Brief within thirty (30) days; otherwise, the Order should state that counsel for Respondent Southern Produce, Inc. will not be allowed to file the brief without an Order of this Court. The Order of the Court of Appeals should also state that in the event no brief is filed by Respondent Southern Produce, Inc., Appellant be required to file its Initial Reply Brief within ten (10) days of the deadline for the filing of Respondent Southern Produce, Inc.'s brief pursuant to Rule 208, and that the Record on Appeal to be filed thirty (30) days after the filing of Appellant's Initial Reply Brief pursuant to Rule 210.

July 7, 2015



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Attorney for Appellant

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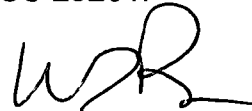
Of whom

Southern Produce, Inc. and S2P, LLC.....are Respondents

PROOF OF SERVICE

I certify that I have served the Motion to Amend Caption by causing to be mailed via First Class US Mail with sufficient postage affixed thereto, on July 7, 2015, addressed to the Respondent S2P, LLC's attorney of record, Jon Robin Turner, Esquire, 1722 Marion Street, Columbia SC 29201.

July 7, 2015



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July 7, 2015

ORIGINAL VIA HAND DELIVERY

South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

Re: Rose Electric, Inc. vs. Southern Produce, Inc., et al.
C/A No. 2011-CP-32-1929
Appellate Case No. 2014-001633
(Our File No. 4657.1151)

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SC Court of Appeals

Dear Sir or Madam:


I represent the Appellant, Rose Electric, Inc., in this matter and I enclose for filing the following:

1. Original and six (6) copies of a Motion to Amend Caption;
2. Original Proof of Service of Motion to Amend Caption on Respondent Southern Produce, Inc.;
3. Original Proof of Service of Motion to Amend Caption on Respondent S2P, LLC;
4. Check in the amount of \$25.00 for the filing fee for the Motion to Amend Caption;
5. Original and six (6) copies of a Motion to Compel Filing of Brief;
6. Original Proof of Service of Motion to Compel Filing of Brief on Respondent Southern Produce, Inc.;
7. Original Proof of Service of Motion to Compel Filing of Brief on Respondent S2P, LLC; and
8. Check in the amount of \$25.00 for the filing fee for the Motion to Compel Filing of Brief.

By copy of this letter, I am serving copies of the same on counsel for Respondent Southern Produce, Inc., and counsel for Respondent S2P, LLC.

If you have any questions on this, or need anything further at this time, please let me know.

Very truly yours,



William E. Booth III

WEBIII/eje
Enclosure

C: J. Robin Turner, Esquire (w/Enc.)
Kathryn M. Cook, Esquire (w/Enc.)