

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Supreme Court**

Pavilion Development Corp. & Larry McNair,  
Appellants,

v.

Nexsen Pruet, LLC, Defendant,

v.

DC & Sons, LLC, Counterclaim Defendant,

Of Which Nexsen Pruet, LLC is the Respondent.

Appellate Case No. 2013-002796

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Appeal from Charleston County  
J. C. Nicholson, Jr., Circuit Court Judge

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Opinion No. 2015-MO-047  
Heard May 6, 2015 – Filed August 12, 2015

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**AFFIRMED AS MODIFIED**

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Andrew K. Epting, Jr. and Michelle N. Endemann, both  
of Andrew K. Epting, Jr., LLC, of Charleston; George J.  
Kefalos and Oana D. Johnson, both of George J. Kefalos,  
PA, of Charleston, for Appellants.

Elizabeth Van Doren Gray, Tina Cundari, and Benjamin R. Gooding, all of Sowell Gray Stepp & Laffitte, LLC, of Columbia, for Respondent.

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**PER CURIAM:** We affirm the trial court's grant of summary judgment. *See Skipper v. ACE Prop. & Cas. Ins. Co.*, Op. No. 27547 (S.C. Sup. Ct. filed July 15, 2015). ("[I]n South Carolina, the assignment of a legal malpractice claim between adversaries in litigation in which the alleged malpractice arose is prohibited."). However, we modify the dismissal to be without prejudice.

**AFFIRMED AS MODIFIED.**

**TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ.,  
concur.**