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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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OCT 16 2015

SC Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

Case No. 2012-CP-02-02382

Prescott & Sons Construction, LLC Respondent,

v.

Larry Rogers and Michelle Rogers Appellants.

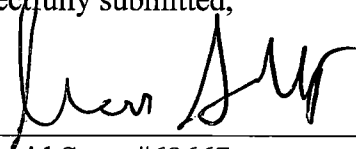
MOTION TO AMEND INITIAL BRIEF

This motion is filed pursuant to Rule 240 of the South Carolina Appellate Court Rules. On October 14, 2015, the undersigned filed Appellants' Initial Brief in this matter. Upon reviewing the filed Initial Brief, the undersigned discovered a clerical error. The Initial Brief that was filed inadvertently contains an earlier version of the Statement of Issues section. Issue Four should read: "Did the trial court err in awarding Respondent attorney's fees and costs when it did not make findings of facts about the reasonableness of the attorney's fees and costs?" Appellants have conditionally filed an Amended Initial Brief along with this motion and certify that this motion is not made for purposes of delay and will not prejudice Respondent. *Cf. Weatherford v. Price*, 340 S.C. 572, 577, 532

S.E.2d 310, 313 (Ct. App. 2000) (“This Court has previously held that a mere clerical error in a notice of appeal does not warrant dismissal of the appeal.”).

October 16, 2015

Respectfully submitted,



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Attorney for Appellants

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PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below he served counsel for Respondent Prescott & Sons Construction, LLC with a copy of the *Motion to Amend Initial Brief* by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelope this the 16th day of October, 2015, addressed as follows:

Lir Patrick Derieg
1924 Barnwell Street
Columbia, South Carolina 29201

By: _____


M. David Scott