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IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

NOV 02 2015  
SC Court of Appeals

R. Markley Dennis, Circuit Judge

Circuit Court Case No. 2012-CP-10-3857 and 2012-CP-10-3858

Appellate Case No. 2015-0001644

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.

and

Oscar Mendiando, 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.

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GLASGOW ROOFING, INC.'S MOTION TO DISMISS APPEAL, MOTION TO  
STRIKE, & MEMORANDUM IN SUPPORT

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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.

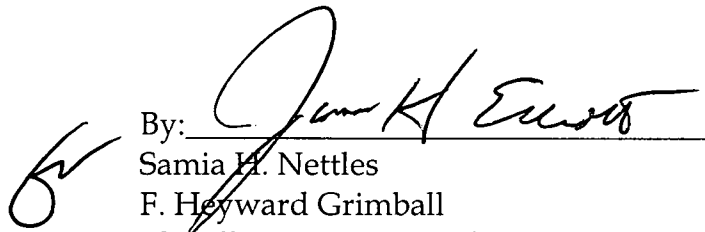
MEMORANDUM IN SUPPORT

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.

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COMPANY, INC.

  
October \_\_\_\_, 2015

Charleston, South Carolina

Exteriors, LLC; Acrocrete, Inc.; BASF Corp.; Gary Freeman Architect, Inc.; and Gary Freeman, individually; are the Respondents.,

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PROOF OF SERVICE

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I certify that I have served Respondent Glasgow Roofing, Inc.'s Motion to Dismiss, Initial Brief and Designation of Matter by depositing a copy in the U.S. Mail, postage paid on October \_\_\_\_, 2015 addressed to Appellant's attorney and to all other parties by email as agreed as set forth below:

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October  2015

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