

THE STATE OF SOUTH CAROLINA
In the Supreme Court of South Carolina

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
The Honorable Kristi Lea Harrington, Circuit Court Judge

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SC Court of Appeals

Appellate Case No. 2016-000185
Case No. 2008-CP-10-0049

Mark F. Teseniar and Nan M. Teseniar, on behalf of themselves and others similarly situated, and Twelve Oaks at Fenwick Property Owners Association, Inc., (from December 16, 2008 to present),Respondents,

v.

Fenwick Plantation Tarragon, LLC, a South Carolina Limited Liability Company f/k/a Fenwick Tarragon Apartments, LLC, a South Carolina Limited Liability Company, Charleston Tarragon Manager, LLC, a Delaware Limited Liability Company, Tarragon Development Corporation, a Nevada Corporation, Summit Contractor WSW Group, Inc., Summit Contractors, Inc., Fugleberg Koch Architects, Inc., Development, Compliance & Inspectors, Inc., H2L Consulting Engineers, Twelve Oaks at Fenwick Property Owners Association, Inc., (from August 6, 2006 to December 15, 2008), Professional Plastering & Stucco, Inc., Johnson Companies, Inc., d/b/a Johnson Roofing, Inc., Los Compos, Inc., North Florida Framing, Inc., Best Masonry & Tool Supply, Inc., Marquez Construction, Inc., J.T. Walker Industries, Inc., J.T. Industries d/b/a General Aluminum Corporation and General Aluminum Company of Texas, LP, J.R. Hobbs Co.-Atlanta, LLC f/k/a JRH Merger Co., LLC, Jamie Helman, individually, Scott Ferguson, individually, and Chris Cobbs, individually, and Federal Insurance Company, Maria Arias, Miquel Roales, APS Enterprises, Unlimited, Inc., HR Electric, A.M. Jacobs, Inc., Mikey Mason d/b/a Mason Contractors KMAC of the Carolinas, Inc., NEO Corporation and Nava Guzman Construction, Inc.,Defendants,

And Mt. Hawley Insurance Company,.....Appellant/Intervenor.

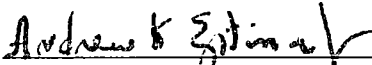
APPELLANT’S REPLY IN SUPPORT OF ITS MOTION TO ARGUE AGAINST
PRECEDENT

Respondents correctly note that no oral argument in this case has been scheduled as yet. However, it cites no authority for the proposition that oral argument must be scheduled before a motion to argue against precedent can be filed. The Rule cited by Respondents merely says that such a motion cannot be filed *later* than 15 days before a hearing. Rule 217, SCACR. Respondents cite no authority regarding how *early* such a motion can be filed.

Appellants want to have these issues decided with finality at the earliest possible time and, accordingly, have filed this motion well in advance of oral argument, thinking it may advance the decision by either Appellate Court.

Respectfully submitted,

May 2 2017



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ATTORNEY FOR APPELLANT

THE STATE OF SOUTH CAROLINA
In the Supreme Court of South Carolina

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas for the Ninth Circuit

Kristi Lea Harrington, Circuit Court Judge

CASE NO. 2008-CP-10-0049

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v.

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And Mt. Hawley Insurance Company is the Appellant/Proposed Intervenor.

PROOF OF SERVICE

I certify that I have served the Appellant's Reply in Support of Its Motion to Argue Against Precedent on all counsel of record for Respondents by depositing a copy in the United States Mail, Postage prepaid, on May 2, 2017, addressed to as follows:

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Michael A. Timbes
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and have served a copy on the following counsel for Respondent by email, addressed as follows:

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By 

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Attorneys For Appellant / Intervenor

ANDREW K. EPTING, JR., L.L.C.
ATTORNEYS AT LAW

May 2, 2017

The Honorable Daniel E. Shearouse
Clerk of South Carolina Supreme Court
Supreme Court Building
1231 Gervais Street
Columbia, South Carolina 29201

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SC Court of Appeals

RE: Mark F. Teseniar et al. v. Fenwick Plantation et al.
Appellate Case No.: **2016-000185**

Dear Mr. Shearouse:

Enclosed for filing please find the original and seven copies of the Appellant's Reply in Support of Its Motion to Argue Against Precedent together with a Proof of Service in the above-referenced appeal. I would greatly appreciate your filing the original Motion and returning a file-stamped copy to me in the self-addressed, pre-stamped envelope. Thank you in advance.

With kindest regards,

ANDREW K. EPTING, JR., LLC

s/Drew

Andrew K. Epting, Jr.

AKE,Jr./agg

Enclosures – as stated

cc: The Honorable Jenny Abbott Kitchings
Phillip W. Segui, Jr., Esquire
Jefferson Leath, Esquire
Jesse Kirchner, Esquire
Justin Lucey, Esquire
John Chakeris, Esquire

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ATTORNEYS AT LAW

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