

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Mikell R. Scarborough, Master-in-Equity

Case No. 2014-CP-10-7501

RECEIVED

MAY 26 2017

SC Court of Appeals

Triad Mechancial Contractors, Inc., Respondent,

v.

Built Right Construction, LLC; Austin-HITT Contracting, a Corporation; Allison Smith Company, LLC; Charleston County Aviation Authority, A Body Politic; Jesse L. Blewer; Christopher Pelletier; Gene Pelletier; Federal Insurance Company/Travelers Casualty and Surety/Liberty Mutual Company; Defendants,

of which,

Built Right Construction, LLC, Chris Pelletier, and Jesse Blewer are Appellants.


AMENDED NOTICE OF APPEAL

Built Right Construction, LLC, Chris Pelletier, and Jesse Blewer appeal the Honorable Mikell R. Scarborough's verbal order issued on April 27, 2017 in open court denying their motion to transfer this case to the general jury docket. Appellants' denied motion for a jury trial was asserted verbally in court by and through their attorney, William K. Austin. Appellants have not received a written order denying their motion and do not know whether a written order will be issued under the circumstances. Appellants shall supplement this notice of appeal with a transcript of the April 27, 2017 hearing by ordering the same within ten days of filing and serving this amended notice of appeal upon all parties of record.

Appellants feel it is important to note to the Court that this appeal is interlocutory in nature; the Master-in-Equity has not fully, and with finality, adjudicated the merits of this dispute, nor has he entered any judgment or order disposing the matter. This immediate appeal, of which this document serves as notice thereof, precedes the scheduled non-jury trial. "Orders affecting the

mode of trial affect substantial rights under S.C. Code § 14-3-330(2) and must, therefore, be appealed immediately." First Union Nat. Bank of S.C. v. Soden, 333 S.C. 554, 565, 511 S.E.2d 372, 377 (Ct. App. 1998). Under First Union, the immediate appeal of the Mater-in-Equity's order denying Appellants' motion to transfer this matter to the general jury docket is appropriate and lawful.

Respectfully submitted,



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Charleston, South Carolina
May 22, 2017

Other Counsel of Record

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Attorney for the Parties Identified as
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Charleston County Aviation Authority, A Body Politic;
Federal Insurance Company/Travelers Casualty and
Surety/Liberty Mutual Company

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of which,

Built Right Construction, LLC, Chris Pelletier, and Jesse Blewer are Appellants.

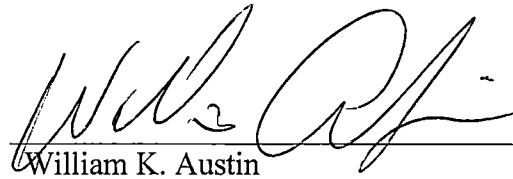
PROOF OF SERVICE

I certify that I have served the Amended Notice of Appeal on all the attorneys of record for all parties still active in this matter by depositing a copy of the same in the United States Mail with adequate postage affixed in two separate envelopes addressed as follows:

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Company/Travelers Casualty and Surety/Liberty
Mutual Company

Respectfully submitted,



William K. Austin

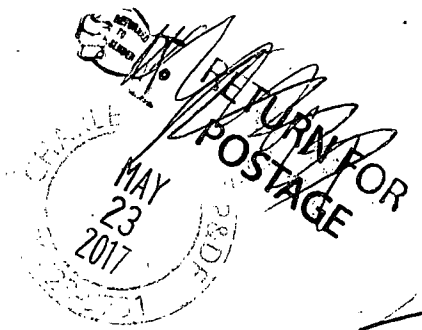
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SC Court of Appeals

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