

THE STATE OF SOUTH CAROLINA  
In Court of Appeals

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

Case No. 2014-CP-10-7501

**RECEIVED**  
JUN 14 2017  
SC Court of Appeals

Triad Mechanical 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,

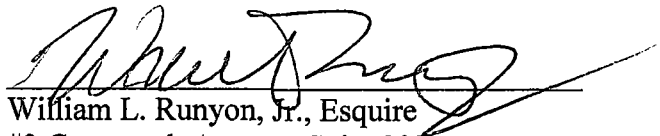
Built Right Construction, LLC, Chris Pelletier, and Jesse Blewer are Appellants.

**MOTION TO DISMISS APPEAL AS TO JESSE BLEWER**

Now comes the Respondent Trial Mechanical Contractors Inc. and respectfully moves this Honorable Court as follows:

1. To dismiss the appeal of Appellant Jesse Blewer as Blewer has made no appearance by answer, motion to file late answer or made any appearance including joining in the motion, the denial of which, is the subject of this appeal.

**AND IT IS SO MOVED THIS 12<sup>TH</sup> DAY OF JUNE, 2017 AT CHARLESTON, SOUTH CAROLINA.**



William L. Runyon, Jr., Esquire  
#3 Gamecock Avenue, Suite 303  
Charleston, SC 29407  
(843) 571-3515  
SC Bar No.: 4838

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of which,

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

**MEMORANDUM IN SUPPORT OF MOTION TO DISMISS AS TO APPELLANT  
JESSE BLEWER**

Statement Of The Case

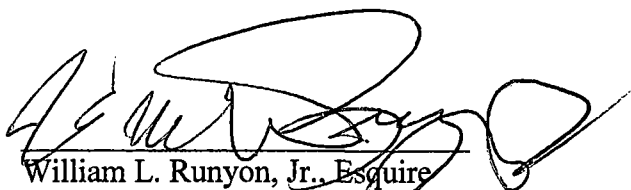
This action was commenced on by filing on December 9, 2014 and service of the Summons and Complaint on the appellant by the Sheriff of Berkeley County on January 12, 2015 which affidavit was promptly filed with the Honorable Clerk in Charleston County on January 27, 2015. To date no Answer, Motion to Set Aside Default or other legal process has been filed by Jesse Blewer. The Plaintiff formally filed an Affidavit of Default and Motion for relief against the Appellant with no response. Appellant Blewer works for Appellant Built Right and accompanied Appellant Built Right to mediation and several court appearances.

The Appellant Jessie Blewer should be dismissed from this appeal and his matter be remanded to the Master. Appellant Blewer never complied with Rule 12 (a) of the South Carolina Rules of Civil Process by filing an Answer within Thirty (30) Days of being served. Rule 12 (a) South Carolina Rules of Civil Procedure. Furthermore he has never filed a Motion to be able to file an Answer, or set aside the default. Rule 55 (c) says that he must show "Good Cause" if he sought relief upon the rendering of a Judgment. Rule 55 (c) Rules of Civil Procedure

The most telling discussion on Defaults and the defaulting Party's obligation is had in Limehouse v. Hulse. Please see Limehouse v. Hulse Opinion 4805 March 10, 2011 S.C. Sup. Ct. In that case, Hulse did appear, sought removal to Federal Court without compliance with Rule 12 (a). Upon the case being remanded the period ran for default and Hulse was held in default despite a vigorous set of Motions and Responsive Pleadings. Here the Appellant has never attempted to file an answer, appeared as an observer at the proceedings and just flat out did nothing. Please see Discussion of Default in Limehouse v. Hulse Opinion # 4805 March 10, 2011 S.C. Sup Ct. As such he was not a Party to a Motion to reverse the Reference and we respectfully assert has no standing to appeal.

#### Conclusion

Wherefore it is respectfully submitted that the Appeal of Appellant Blewer should be dismissed. Jurisdiction as to him be remanded to the Master/Circuit Court for such proceedings as may be held the entry of a judgment for damages.



William L. Runyon, Jr., Esquire  
#3 Gamecock Avenue, Suite 303  
Charleston, SC 29407  
(843)571-3515  
SC Bar No.: 4838

Dated this 12<sup>th</sup> Day of June, 2017  
in Charleston, South Carolina.

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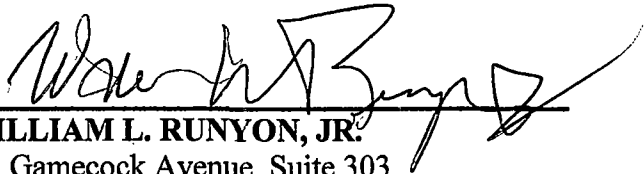
Built Right Construction, LLC, Chris Pelletier, and Jesse Blewer are Appellants.

CERTIFICATE OF MAILING

Now comes the undersigned and hereby certifies that in the above captioned case under the caption of Trial Mechanical Contractors, Inc. vs. the above captioned Defendants and Built Right Construction, LLC, Chris Pelletier and Jesse Blewer are Appellants there was made a due and proper service by mail of the **MOTION TO DISMISS APPEAL AS TO JESSE BLEWER and MEMORANDUM IN SUPPORT OF MOTION TO DISMISS AS TO APPELANT JESSE BLEWER** by depositing same in the United States Mail, together with good and sufficient postage to:

William K. Austin, Esquire  
Austin Law Firm, LLC  
1040 Gardner Road, Suite B-1  
Charleston, SC 29407

R. Patrick Flynn, Esquire  
Pope Flynn, LLC  
P. O. Box 70  
Charleston, SC 29402

  
**WILLIAM L. RUNYON, JR.**  
#3 Gamecock Avenue, Suite 303  
Charleston, SC 29407  
Telephone: (843) 571-3515  
Facsimile: (843) 766-5085  
SC Bar No.: 4838

Dated this 12<sup>th</sup> day of June, 2017  
in Charleston, South Carolina

# William L. Runyon, Jr.

Attorney At Law

#3 Gamecock Avenue, Suite 303

Charleston, SC 29407

Telephone: (843) 571-3515 Facsimile: (843) 766-5085

June 12, 2017

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Honorable Jenny A. Kitchings  
Clerk of South Carolina Court of Appeals  
P. O. Box 11629  
Columbia, SC, S.C. 29211

JUN 14 2017

SC Court of Appeals

RE: Triad Mechanical 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.

Dear Ms. Kitchings:

Please find enclosed **MOTION TO DISMISS APPEAL AS TO JESSE BLEWER, MEMORANDUM IN SUPPORT OF MOTION TO DISMISS AS TO APPELANT JESSE BLEWER** and **CERTIFICATE OF SERVICE**, for filing in the above-captioned matter. Please file originals and return certified copies to me in the stamped, self-addressed envelope provided for your convenience.

Sincerely,



William L. Runyon, Jr.

WLR, JR. /bb

Enclosure

Cc: William Austin, Esquire  
Patrick Flynn, Esquire



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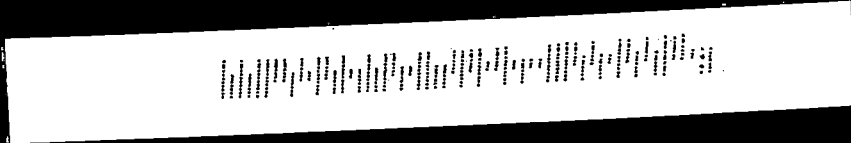


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William L. Runyon, Jr.  
Attorney At Law  
#3 Gamecock Ave.,  
Suite 303  
Charleston, SC 29407

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Clerk of South Carolina Court of Appeals  
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