

The Supreme Court of South Carolina

Mark Lawrence, individually and on behalf of others
similary situated, Plaintiff,

v.

General Panel Corp., a division of Perma "R" Products,
Inc., Defendant.

Appellate Case No. 2017-002350

ORDER

Pursuant to Rule 244 of the South Carolina Appellate Court Rules (SCACR), the Court will answer the following question certified to this Court by order of Judge Richard Mark Gergel, United States District Court Judge:

Did 2005 South Carolina Laws Act 27 (H.B. 3008) amend South Carolina Code § 15-3-640 so that, in an action for damages based upon a defective improvement to new-construction real property, the date of "substantial completion of the improvement" is measured from the date of the certificate of occupancy (unless the parties establish a different date by written agreement), superseding the South Carolina Supreme Court's decision in *Ocean Winds Corp. of Johns Island v. Lane*, [347 S.C. 416], 556 S.E.2d 377 (2001)?

The parties shall proceed to serve and file briefs as provided by Rule 244(e), SCACR. Rule 244 does not provide for the filing of initial briefs; therefore, only final briefs should be filed in this matter.



FOR THE COURT

C.J.

James, J., not participating

Columbia, South Carolina

December 15, 2017

cc:

Blake Abernethy McKie, Esquire

Brian C Duffy, Esquire

J. Rutledge Young, III, Esquire

Everett Augustus Kendall, II, Esquire

Richard Edward Mclawhorn, Jr., Esquire

Sandra Shealy