



The Supreme Court of South Carolina

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April 27, 2018

The Honorable Julie J. Armstrong
Clerk of Court, Charleston County
100 Broad St Ste 106
Charleston SC 29401-2210

REMITTITUR

Re: Pavilion Development Corp. v. Nexsen Pruet, LLC
Lower Court Case No. 2011-CP-10-05774
Appellate Case No. 2016-001632

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CLERK

cc:

Andrew K. Epting, Jr., Esquire

Michelle Nicole Endemann, Esquire

Elizabeth Van Doren Gray, Esquire

Tina Marie Cundari, Esquire

George J. Kefalos, Esquire

Benjamin Rogers Gooding, Esquire

Jaan Gunnar Rannik, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

Pavilion Development Corp. & Larry McNair,
Appellants,

v.

Nexsen Pruet, LLC, Respondent,

v.

DC & Sons, LLC, Counterclaim Defendant.

Appellate Case No. 2016-001632

Appeal from Charleston County
Thomas Russo, Circuit Court Judge

Memorandum Opinion No. 2018-MO-017
Heard March 27, 2018 – Filed April 11, 2018

AFFIRMED

Andrew K. Epting, Jr., Jaan G. Rannik, Michelle N.
Endemann and George J. Kefalos, all of Charleston, for
Appellants.

Elizabeth Van Doren Gray, Tina Marie Cundari and
Benjamin R. Gooding, all of Sowell Gray Robinson
Stepp & Laffitte, LLC, of Columbia, for Respondent.

PER CURIAM: This case involved the purported assignment of a legal malpractice claim between adversaries in litigation in which the alleged malpractice arose. This Court affirmed the trial court's grant of summary judgment and dismissal of Appellants' case, holding the assignment was void as against public policy. See *Pavilion Development Corp. v. Nexsen Pruet*, Mem. Op. No. 2015-MO-047 (S.C. Sup. Ct. filed Aug. 12, 2015); see also *Skipper v. ACE Prop. & Cas. Ins. Co.*, 413 S.C. 33, 38, 775 S.E.2d 37, 39 (2015).

Following this Court's opinion, Appellants filed an untimely petition for rehearing, seeking an order to allow time to amend their complaint in the trial court. We denied the petition as untimely and directed Appellants to seek any further relief from the trial court.

Thereafter, Appellants made a motion to amend their complaint or substitute parties before the trial court. The trial court denied the motion in light of this Court affirming its decision to grant summary judgment for Respondent, as modified to be a dismissal without prejudice but without instruction that a reasonable time be allowed to amend the complaint.

Having carefully considered the applicable law, the record, and the parties' arguments, we find Appellants' arguments to be manifestly without merit and affirm the denial of Appellants' motion pursuant to Rule 220(b)(1), SCACR.

AFFIRMED.

BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.