



**LINDEMANN
DAVIS &
HUGHES**

Telephone (803) 881-8920
Facsimile (803) 862-1181

5 Calendar Court, Suite 202 (29206)
Post Office Box 6923
Columbia, South Carolina 29260

ANDREW F. LINDEMANN*
Direct Dial: (803) 881-8921
Email: andrew@ldh-law.com

JAMES M. DAVIS, JR.†
Direct Dial: (803) 881-8922
Email: jim@ldh-law.com

JOEL S. HUGHES†
Direct Dial: (803) 881-8923
Email: joel@ldh-law.com

*Also Admitted in North Carolina
†Certified Mediator

October 8, 2018

RECEIVED

OCT 08 2018

SC Court of Appeals

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: James R. Zedosky, Lenore K. Zedosky, Douglas Shea, and Sally Shea v. D.R. Horton, Inc.
and Town of Blythewood
Appellate Case Number: 2018-000723
Civil Action Number: 2017-CP-40-4437
Claim Numbers: SF-17-0775-0001, 0002, 0003, 0004, 0005, 0006 and 0007
Our File Number: 321.10317

Dear Ms. Kitchings:

Please be advised that I represent the Town of Blythewood which is a Defendant in this case. The Town was identified on the Notice of Appeal as a Defendant but was also served with the Notice of Appeal. I am in receipt of the letter dated October 4, 2018, from Roy Shelley to the Court advising, in effect, that the Town was identified in error as a "Defendant" rather than as a Respondent. Mr. Shelley clarifies to the Court that the Town should be designated as a "Respondent." That is correct in that the Town did take a position adverse to the Appellant D.R. Horton in the lower court with respect to the motion and order on appeal.

To date, the Court has not treated the Town as a party to the appeal, and the on-line docket does not reflect that I am counsel of record. However, in the event that the Court allows the Appellant to correct the designation of the Town as a "Respondent," to which I have no objection, I would ask for thirty days in which to file the Initial Brief of Respondent Town of Blythewood and its Designation of Matter to be Included in the Record on Appeal.

Thank you very much for your consideration of this request.

The Honorable Jenny Abbott Kitchings
October 8, 2018
Page Two

Sincerely,

LINDEMANN, DAVIS & HUGHES, P.A.



Andrew F. Lindemann

AFL/jmb

cc: M. Alan Peace, Esquire
Taylor A. Peace, Esquire
Harrell, Martin & Peace, P.A.
Post Office Box 1000
Chapin, South Carolina 29036

T. McRoy Shelley, III, Esquire
Rogers Townsend & Thomas, P.C.
Post Office Box 100200
Columbia, South Carolina 29202-3200

Michael W. Tighe, Esquire
Alden G. Terry, Esquire
Callison Tighe & Robinson, LLC
Post Office Box 1390
Columbia, South Carolina 29202-1390