

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
G. Thomas Cooper, Jr., Circuit Court Judge

Appellate Case No. 2018-000723
Case No. 2017-CP-40-4437

RECEIVED
NOV 01 2018
SC Court of Appeals

James R. Zedosky, Lenore K. Zedosky, Douglas Shea, and
Sally Shea, Respondents,

v.

D.R. Horton, Inc. and Town of Blythewood, Defendants,

Of Which, D.R. Horton, Inc. is the Appellant.


**TOWN OF BLYTHEWOOD'S RETURN TO
APPELLANT'S MOTION TO AMEND CAPTION**

The Appellant D.R. Horton, Inc. has filed a Motion to Amend Caption seeking an order “amending the caption of this appeal to reflect the Town of Blythewood as Respondent.” Attached hereto is a letter dated October 8, 2018, wherein the Town

confirmed that it was served with the Notice of Appeal and that it did take a position adverse to the Appellant in the lower court with respect to the motion and order on appeal. The Town has also stated no objection to the relief sought by the Appellant. The Town confirms that position and also renews its request that, should the Court allow the Appellant to correct the designation of the Town as a "Respondent," that the Town be given 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.

Respectfully submitted,

LINDEMANN, DAVIS & HUGHES P.A.

BY: 

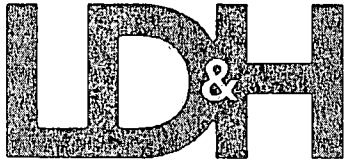
ANDREW F. LINDEMANN #13030
5 Calendar Court, Suite 202
Post Office Box 6923
Columbia, South Carolina 29260
(803) 881-8920

-and-

MICHAEL W. TIGHE #5574
CALLISON TIGHE & ROBINSON, LLC
1812 Lincoln Street
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Counsel for Town of Blythewood

November 1, 2018



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October 8, 2018

ANDREW F. LINDEMANN[†]
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Email: joel@ldh-law.com

[†]Also Admitted in North Carolina
[†]Certified Mediator

Hand Delivered

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

RECEIVED

OCT 08 2018

SC Court of Appeals

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
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Callison Tighe & Robinson, LLC
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CERTIFICATE OF SERVICE

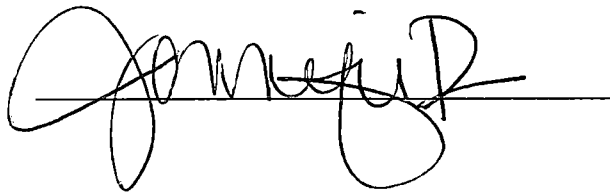
The undersigned employee of Lindemann, Davis & Hughes, P.A., counsel for the Town of Blythewood, does hereby certify that service of the **Town of Blythewood's Return to Appellant's Motion to Amend Caption** was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 1st day of November 2018:

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

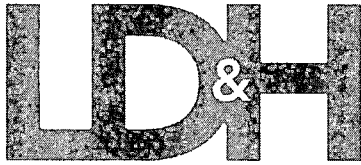
T. McRoy Shelley, III, Esquire
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A handwritten signature in black ink, appearing to read 'James R.', is written over a horizontal line.



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November 1, 2018

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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RE: James R. Zedosky, Lenore K. Zedosky, Douglas Shea, and Sally Shea v. D.R. Horton, Inc. and Town of Blythewood
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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 find enclosed for filing the original and seven copies of the **Town of Blythewood's Return to Appellant's Motion to Amend Caption** in the above referenced matter. I would appreciate you filing the original and returning a clocked in copy to me in the enclosed envelope. By copy of this letter, I am serving copies on all counsel of record.

Thank you for your assistance in this matter.

Sincerely,

LINDEMANN, DAVIS & HUGHES, P.A.

Andrew F. Lindemann

AFL/jmb
Enclosures

cc: M. Alan Peace, Esquire
Taylor A. Peace, Esquire
T. McRoy Shelley, III, Esquire
Michael W. Tighe, Esquire