

RECEIVED

Aug 13 2020

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

Civil Action No. 2015-CP-10-00955

Appellate Case No. 2019-001790

Palmetto Pointe At Peas Island Condominium Property Owners Association, Inc. And Jack Love, Individually, and on behalf of all others similarly situated,Plaintiffs,

vs.

Island Pointe, LLC; Complete Building Corporation; Tri-County Roofing, Inc.; Creekside, Inc; American Residential Services, LLC d/b/a ARS/Rescue Rooter Charleston; Andersen Windows, Inc; Atlantic Building Construction Services, Inc., n/k/a Atlantic Construction Services, Inc.; Builder Services Group, Inc. d/b/a Gale Contractor Services; Novus Architects, Inc., f/k/a SGM Architects, Inc.; Tallent and Sons, Inc; W C Services, Inc.; CRG Engineering, Inc; CertainTeed Corporation; Kelly Flooring Products, Inc, d/b/a Carpet Baggers; Cornerstone Construction and Mark Malloy d/b/a Cornerstone Construction; Miracle Siding, LLC and Wilson Lucas Sales d/b/a Miracle Siding, LLC; Mark Palpoint a/k/a Micah Palpoint; Elroy Alonzo Vasquez; Chris a/k/a John Doe 61; Alderman Construction; Stanley's Vinyl Fence Designs; Cohen's Drywall Company, Inc; Mosely Concrete; Hand A Framing Construction, LLC a/k/a H&A Framing Construction, LLC and d/b/a H and A Framing, LLC, H&A Construction, and Hand A Construction; JMC Construction, Inc; JMC Construction, LLC; John Doe 1—15, Defendants,

of which Palmetto Pointe At Peas Island Condominium Property Owners Association, Inc. and Jack Love, individually, and on behalf of all others similarly situated are the Respondents,

and

Tri-County Roofing, Inc.Appellant.

**CONSENT MOTION TO AMEND
APPELLANT'S INITIAL BRIEF**

Pursuant to Rule 240, SCACR, and the case of Henning v. Kaye, 307 S.C. 436, 415 S.E.2d 794 (1992), Appellant Tri-County Roofing, Inc. (hereinafter “Appellant”) moves, with the consent of counsel for Respondent Palmetto Pointe At Peas Island Condominium Property Owners Association, Inc. and Jack Love, Individually, and on behalf of all others similarly situated (collectively hereinafter “Respondent”), for leave to file an Amended Initial Brief of Appellant. The purpose of this motion is to make the Appellant’s Initial Brief in compliance with Rule 208(b)(4), SCACR. The proposed Amended Initial Brief of Appellant is attached to this motion as Exhibit “A.” Furthermore, while counsel for Appellant was reviewing the Initial Appellate Brief, he found some non-substantive scrivener and grammar errors, which are corrected in the Amended Initial Brief of Appellant in compliance with Rule 211(b)(2), SCACR. These edits are indicated with **bold+underlined** text in the Amended Initial Brief of Appellant attached as Exhibit “A.”

Counsel for Respondent already indicated his consent to the Amended Initial Brief of the Appellant and Respondent asked Appellant to inform the Court that Respondent requests an additional fifteen (15) days after the Amended Initial Brief of Appellant is filed to file Respondent’s Initial Brief. Counsel for Appellant consents to this request for this deadline extension. Counsel for Appellant further notes for the benefit of the Court that the current deadline for Respondent to file its initial brief is August 26, 2020, and the fifteen (15) days here would extend this deadline by only two or three days.

Lastly, while counsel for Tri-County was updating its record references for the Amended Initial Brief of Appellant, he discovered that Appellants initial Designation of Matters to be Included in the Record on Appeal contained some non-substantive scrivener and grammar errors and that six (6) items were inadvertently left off the list. Therefore, pursuant to Rules 209 and 212, SCACR, Appellant submits an Amended Designation of Matters to be Included in the Record on Appeal attached to this motion as Exhibit “B.” The revisions included in the Amended Designation of Matters to be Included in the Record on Appeal are indicated with **bold+underlined** text. Counsel for Appellant certifies that the designations contain no matter which is irrelevant to the appeal; in fact, the amendments contain items that were specifically addressed in the Appellants Initial Appellate Brief.

Respectfully submitted,

COLLINS & LACY, P.C.

By: /s/ Andrew N. Cole
ANDREW N. COLE, ESQUIRE
SC Bar No. 68387
acole@collinsandlacy.com
Post Office Box 12487
Columbia, SC 29211
803.256.2660 (voice)
803.771.4484 (fax)

August 13, 2020
Columbia, South Carolina

ATTORNEYS FOR TRI-COUNTY
ROOFING, INC.