

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
Bentley D. Price, Circuit Court Judge

---

Case No. 2019-CP-10-00105  
Appellate Case No. 2020-001403

---

Endre Tomaschek and Evan  
Tomaschek, Appellants,

v.

Edith C. Miller; Don L. Sumter;  
Carolina Elite Real Estate, LLC;  
Christopher Gibbs; Buzz Off TPC,  
LLC d/b/a Buzoof Termite & Pest  
Control, LLC; GWS, Inc.; Gaynelle  
Whittle-Shipp; Stucco Inspector,  
LLC; Solid Ground Home  
Inspections, LLC; Jerry L. Anderson  
d/b/a "Anderson Roofing"; Delano M.  
Francis; and Robert Oliver d/b/a  
"Home Repair by Robert,"  
Defendants,

Of whom Solid Ground Home  
Inspections, LLC is the Respondent.

**RECEIVED**  
**Oct 29 2020**  
**SC Court of Appeals**

---

CORRECTED PROOF OF SERVICE

---

I certify that I served the Notice of Appeal on Respondent and Defendants by depositing a copy of it in the United States Mail, postage prepaid, on October 20, 2020, and by e-mail on October 20, 2020, addressed as set forth below.

Alan R. Belcher, Jr.  
Elizabeth F. Wieters  
Hall Booth Smith, P.C.  
111 Coleman Boulevard, Ste. 301  
Mount Pleasant, SC 29464  
(843) 720-3460  
alan.belcher@hallboothsmith.com  
ewieters@hallboothsmith.com

Attorneys for Respondent Solid Ground Home Inspections, LLC

C. Brandon Belger  
Scott H. Winograd  
Koontz Mlynarczyk, LLC  
1058 East Montague Avenue  
North Charleston, SC 29405  
(843) 225-4252  
brandon@kmlawsc.com  
scott@kmlawsc.com

Attorneys for Edith C. Miller and Don L. Sumter

D. Jay Davis, Jr.  
Matthew O. Riddle  
Gaillard T. Dotterer III  
Young Clement Rivers, LLP  
P.O. Box 993  
Charleston, SC 29402  
(843) 720-5406  
jdavis@ycrlaw.com  
mriddle@ycrlaw.com  
gdotterer@ycrlaw.com

Attorneys for Carolina Elite Real Estate, LLC and Christopher Gibbs

Mary S. Willis  
Ethridge Law Group  
1100 Queensborough Blvd., Ste. 200  
Mount Pleasant, SC 29464  
(843) 614-9552  
mwillis@ethridgelawgroup.com

Attorney for Stucco Inspector, LLC

Rachel K. Phipps  
Phipps Law Firm, LLC  
571 Savannah Highway  
Charleston, SC 29407  
(843) 216-9797  
rachel@phippsfirm.com

Attorney for Buzz Off TPC, LLC

Jerry L. Anderson  
421 Brown Pelican Drive  
Charleston, SC 29492

Pro se

I certify that I filed, through e-filing, a copy of the Notice of Appeal with the Charleston County Clerk of Court on October 27, 2020.

October 27, 2020

A handwritten signature in black ink that reads "Shanon Elliott". The signature is written in a cursive style and is positioned above a solid horizontal line.

Shanon Elliott  
The Steinberg Law Firm, LLP  
Post Office Box 2670  
Summerville, South Carolina 29484  
(843) 871-6522  
equinn@steinberglawfirm.com

Attorney for Appellants

DAVID T. PEARLMAN  
J. KEVIN HOLMES  
THOMAS M. WHITE  
MALCOLM M. CROSLAND, JR.  
STEVEN E. GOLDBERG  
MICHAEL J. JORDAN  
BENJAMIN W. AKERY



CATHERINE D. MEEHAN  
KELLY M. ALFREDS  
F. ELLIOTTE QUINN IV  
TAYLOR L. GROOMS  
J. LOGAN HOLMES  
CHARLES S. GOLDBERG (1983-2019)  
HUGO M. SPITZ (1927-2018)  
IRVING STEINBERG (1902-1980)

103 Grandview Dr. | P.O. Box 2670 | Summerville | SC | 29484 | (843) 871-6522 | (843) 871-8565 fax | steinberglawfirm.com

October 20, 2020

VIA U.S. MAIL AND E-MAIL

Hon. Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211  
ctappfilings@sccourts.org

**RECEIVED**  
**Oct 29 2020**  
**SC Court of Appeals**

Re: Tomaschek vs. Miller, et al.  
Charleston County Court of Common Pleas  
Case No. 2019-CP-10-00105  
Appellate Case No. 2020-\_\_\_\_\_

Dear Hon. Clerk Kitchings,

Enclosed for filing, please find a Notice of Appeal in the above referenced case and this firm's check in the amount of \$250.00. Thank you for your assistance, and please do not hesitate to contact me should you have any questions.

Regards,

s/Elliotte Quinn

Elliotte Quinn  
equinn@steinberglawfirm.com  
843-871-6522

FEQ/mbc

Enclosures (as stated)

October 20, 2020

Page 2

cc: (via U.S. mail and email)

Alan R. Belcher, Jr.  
Elizabeth F. Wieters  
Hall Booth Smith, P.C.  
111 Coleman Boulevard, Ste. 301  
Mount Pleasant, SC 29464  
(843) 720-3460  
alan.belcher@hallboothsmith.com  
ewieters@hallboothsmith.com

*Attorneys for Respondent Solid Ground Home Inspections, LLC*

C. Brandon Belger  
Scott H. Winograd  
Koontz Mlynarczyk, LLC  
1058 East Montague Avenue  
North Charleston, SC 29405  
(843) 225-4252  
brandon@kmlawsc.com  
scott@kmlawsc.com

*Attorneys for Edith C. Miller and Don L. Sumter*

D. Jay Davis, Jr.  
Matthew O. Riddle  
Gaillard T. Dotterer III  
Young Clement Rivers, LLP  
P.O. Box 993  
Charleston, SC 29402  
(843) 720-5406  
jdavis@ycrlaw.com  
mriddle@ycrlaw.com  
gdotterer@ycrlaw.com

*Attorneys for Carolina Elite Real Estate, LLC and Christopher Gibbs*

October 20, 2020

Page 3

Mary S. Willis  
Ethridge Law Group  
1100 Queensborough Blvd., Ste. 200  
Mount Pleasant, SC 29464  
(843) 614-9552  
mwillis@ethridgelawgroup.com

*Attorney for Stucco Inspector, LLC*

Rachel K. Phipps  
Phipps Law Firm, LLC  
571 Savannah Highway  
Charleston, SC 29407  
(843) 216-9797  
rachel@phippsfirm.com

*Attorney for Buzz Off TPC, LLC*

(via U.S. mail only)

Jerry L. Anderson  
421 Brown Pelican Drive  
Charleston, SC 29492

*Pro se*

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
Bentley D. Price, Circuit Court Judge

---

Case No. 2019-CP-10-00105  
Appellate Case No. 2020-\_\_\_\_\_

---

Endre Tomaschek and Evan Tomaschek, Appellants,

v.

Edith C. Miller; Don L. Sumter; Defendants,  
Carolina Elite Real Estate, LLC;  
Christopher Gibbs; Buzz Off TPC,  
LLC; GWS, Inc.; Gaynelle Whittle-  
Shipp; Stucco Inspector, LLC; Solid  
Ground Home Inspections, LLC;  
Jerry L. Anderson; Delano M.  
Francis; and Robert Oliver,

Of whom Solid Ground Home Respondent.  
Inspections, LLC

---

NOTICE OF APPEAL

---

Endre Tomaschek and Evan Tomaschek appeal the September 30, 2020 Order Granting Solid Ground Home Inspections, LLC's Motion to Alter or Amend of the Honorable Bentley D. Price. The order is attached hereto.

October 20, 2020

s/ F. Elliotte Quinn IV  
F. Elliotte Quinn IV  
The Steinberg Law Firm, LLP  
Post Office Box 2670  
Summerville, South Carolina 29484  
(843) 871-6522  
equinn@steinberglawfirm.com

Ryan C. Andrews  
Cobb, Dill & Hammett, LLC  
222 W. Coleman Boulevard  
Mount Pleasant, SC 29464  
(843) 936-6674  
randrews@cdhlawfirm.com

Attorneys for Appellants

Other Counsel of Record:

Alan R. Belcher, Jr.  
Elizabeth F. Wieters  
Hall Booth Smith, P.C.  
111 Coleman Boulevard, Ste. 301  
Mount Pleasant, SC 29464  
(843) 720-3460  
alan.belcher@hallboothsmith.com  
ewieters@hallboothsmith.com

Attorneys for Respondent Solid Ground Home Inspections, LLC

C. Brandon Belger  
Scott H. Winograd  
Koontz Mlynarczyk, LLC  
1058 East Montague Avenue  
North Charleston, SC 29405  
(843) 225-4252  
brandon@kmlawsc.com  
scott@kmlawsc.com

Attorneys for Edith C. Miller and Don L. Sumter

D. Jay Davis, Jr.  
Matthew O. Riddle  
Gaillard T. Dotterer III  
Young Clement Rivers, LLP  
P.O. Box 993  
Charleston, SC 29402  
(843) 720-5406  
jdavis@ycriaw.com  
mriddle@ycriaw.com  
gdotterer@ycriaw.com

Attorneys for Carolina Elite Real Estate, LLC and Christopher Gibbs

Mary S. Willis  
Ethridge Law Group  
1100 Queensborough Blvd., Ste. 200  
Mount Pleasant, SC 29464  
(843) 614-9552  
mwillis@ethridgelawgroup.com

Attorney for Stucco Inspector, LLC

Rachel K. Phipps  
Phipps Law Firm, LLC  
571 Savannah Highway  
Charleston, SC 29407  
(843) 216-9797  
rachel@phippfirm.com

Attorney for Buzz Off TPC, LLC

Jerry L. Anderson  
421 Brown Pelican Drive  
Charleston, SC 29492

Pro se

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
Bentley D. Price, Circuit Court Judge

---

Case No. 2019-CP-10-00105  
Appellate Case No. 2020-\_\_\_\_\_

---

Endre Tomaschek and Evan  
Tomaschek,

Appellants,

v.

Edith C. Miller; Don L. Sumter;  
Carolina Elite Real Estate, LLC;  
Christopher Gibbs; Buzz Off TPC,  
LLC; GWS, Inc.; Gaynelle Whittle-  
Shipp; Stucco Inspector, LLC; Solid  
Ground Home Inspections, LLC;  
Jerry L. Anderson; Delano M.  
Francis; and Robert Oliver,

Defendants,

Of whom Solid Ground Home  
Inspections, LLC

Respondent.

---

PROOF OF SERVICE

---

I certify that I served the Notice of Appeal on Respondent and Defendants by depositing a copy of it in the United States Mail, postage prepaid, on October 20, 2020, and by e-mail on October 20, 2020, addressed as set forth below.

Alan R. Belcher, Jr.  
Elizabeth F. Wieters  
Hall Booth Smith, P.C.  
111 Coleman Boulevard, Ste. 301  
Mount Pleasant, SC 29464  
(843) 720-3460  
alan.belcher@hallboothsmith.com  
ewieters@hallboothsmith.com

Attorneys for Respondent Solid Ground Home Inspections, LLC

C. Brandon Belger  
Scott H. Winograd  
Koontz Mlynarczyk, LLC  
1058 East Montague Avenue  
North Charleston, SC 29405  
(843) 225-4252  
brandon@kmlawsc.com  
scott@kmlawsc.com

Attorneys for Edith C. Miller and Don L. Sumter

D. Jay Davis, Jr.  
Matthew O. Riddle  
Gaillard T. Dotterer III  
Young Clement Rivers, LLP  
P.O. Box 993  
Charleston, SC 29402  
(843) 720-5406  
jdavis@ycrlaw.com  
mriddle@ycrlaw.com  
gdotterer@ycrlaw.com

Attorneys for Carolina Elite Real Estate, LLC and Christopher Gibbs

Mary S. Willis  
Ethridge Law Group  
1100 Queensborough Blvd., Ste. 200  
Mount Pleasant, SC 29464  
(843) 614-9552  
mwillis@ethridgelawgroup.com

Attorney for Stucco Inspector, LLC

Rachel K. Phipps  
Phipps Law Firm, LLC  
571 Savannah Highway  
Charleston, SC 29407  
(843) 216-9797  
rachel@phippsfirm.com

Attorney for Buzz Off TPC, LLC

Jerry L. Anderson  
421 Brown Pelican Drive  
Charleston, SC 29492

Pro se

October 20, 2020



---

Shanon Elliott  
The Steinberg Law Firm, LLP  
Post Office Box 2670  
Summerville, South Carolina 29484  
(843) 871-6522  
equinn@steinberglawfirm.com

Attorney for Appellants

Endre Tomaschek et al  
PLAINTIFF(S)

Edith C Miller et al  
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  
 Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

Defendant Stucco Inspector's Motion to Reconsider is GRANTED. Defendant Solid Ground Home Inspections, LLC's Motion to Alter or Amend Court's Ruling is GRANTED as to both defendants.

ORDER INFORMATION

This order  ends  does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 09/29/2020 .

Anderson Roofing  
Jerry L Anderson  
Gaynelle Whittle Shipp  
GWS Inc  
Delano M Francis for Delano M Francis  
Christopher Gibbs  
Home Repair By Robert  
Robert Oliver  
Delano M Francis for Delano M Francis

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

FILED FROM ORIGINAL FILED - 2020 SEP 29 4:11 PM - CHARLESTON - COMMON PLEAS - CASE# 2019CP1000105

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

---

ELECTRONICALLY FILED - 2020 SEP 30 4:15 PM - CHARLESTON - COMMON PLEAS - CASE#2019CP1000105



Charleston Common Pleas

**Case Caption:** Endre Tomaschek , plaintiff, et al VS Edith C Miller , defendant, et al  
**Case Number:** 2019CP1000105  
**Type:** Order/Electronic Form 4

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

Electronically signed on 2020-09-29 12:07:56 page 3 of 3

ELECTRONICALLY FILED - 2020/09/29 12:15 PM - CHARLESTON - COMMON PLEAS - CASE#2019CP1000105

DAVID T. PEARLMAN  
J. KEVIN HOLMES  
THOMAS M. WHITE  
MALCOLM M. CROSLAND, JR.  
STEVEN E. GOLDBERG  
MICHAEL J. JORDAN  
BENJAMIN W. AKERY



CATHERINE D. MEEHAN  
KELLY M. ALFREDS  
F. ELLIOTTE QUINN IV  
TAYLOR L. GROOMS  
J. LOGAN HOLMES  
CHARLES S. GOLDBERG (1933-2019)  
HUGO M. SPITZ (1927-2018)  
IRVING STEINBERG (1902-1980)

103 Grandview Dr. | P.O. Box 2670 | Summerville | SC | 29484 | (843) 871-6522 | (843) 871-8565 fax | steinberglawfirm.com

October 29, 2020

**VIA U.S. MAIL AND E-MAIL**

Hon. Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211  
ctappfilings@sccourts.org  
tpclark@sccourts.org  
msingleton@sccourts.org

**RECEIVED**  
**Oct 29 2020**  
**SC Court of Appeals**

Re: Tomaschek v. Miller, et al.  
Case No. 2019-CP-10-00105  
Appellate Case No. 2020-001403

Dear Hon. Clerk Kitchings,

Please find enclosed a Corrected Proof of Service for the Notice of Appeal in this case. The Notice of Appeal was filed with the Charleston County Clerk of Court on October 27, 2020, via e-filing, and a copy of that filing is enclosed as well. I believe this addresses the deficiency noted in your October 21, 2020 letter, but if I need to take any further action, please let me know.

Regards,

Elliotte Quinn  
equinn@steinberglawfirm.com  
843-871-6522

October 29, 2020  
Page 2

cc: (via email)

Alan R. Belcher, Jr.  
Elizabeth F. Wieters  
Hall Booth Smith, P.C.  
111 Coleman Boulevard, Ste. 301  
Mount Pleasant, SC 29464  
(843) 720-3460  
alan.belcher@hallboothsmith.com  
ewieters@hallboothsmith.com  
sfischer@hallboothsmith.com

*Attorneys for Respondent Solid Ground Home Inspections, LLC*