



January 4, 2022

VIA EMAIL AND  
ONE DRIVE ELECTRONIC SUBMISSION  
Ms. Tammie Holmes, Manager Court Reporting  
Calhoun Building  
1220 Senate Street, Suite 200  
Columbia, South Carolina 29201-3739  
[transcripts@sccourts.org](mailto:transcripts@sccourts.org)

**RECEIVED**

**Jan 04 2022**

**SC Court of Appeals**

RE: 480 King Street, LLC, Appellant v. Glick/Boehm & Associates, Inc.,  
Respondent - Case No. 2016-CP-10-03468

Dear Ms. Holmes:

Attached, please find Appellant's Transcript Request Form for the above-captioned matter. A copy of the Notice of Appeal, served and filed on December 22, 2021 is also attached.

Should you have any questions regarding this request, please do not hesitate to contact me directly at (843) 814-8181.

Sincerely,

s/Jesse Sanchez  
Jesse Sanchez (S.C. Bar No. 101906)

Enclosures (as stated)

Cc: The Hon. Jenny Abott Kitchings (Via Email and One Drive)  
Brent S. Halverson, Esq. (Via Email Only)  
Ken T. Stair, Esq. (Via Email Only)  
Paul E. Sperry, Esq. (Via Email Only)  
C. Robin Schmidt, Esq. (Via Email Only)  
Wm. Mark Koontz, Esq. (Via Email Only)  
C. Brandon Belger, Esq. (Via Email Only)  
K. Michael Barfield, Esq. (Via Email Only)  
Diane Summers Clarke, II, Esq. (Via Email Only)

**Jan 04 2022**

**Transcript Request Form**

**SC Court of Appeals**

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at [transcripts@sccourts.org](mailto:transcripts@sccourts.org). Click [here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to **any** party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
<b>Full Name</b> <u>Jesse Sanchez</u>	<b>Phone Number</b> <u>843-814-8181</u>	<b>Email Address</b> <u>jesse@jessesanchezlaw.com</u>	
<b>Mailing Address</b> <u>98 1/2 Broad Street, Suite B</u>	<b>City</b> <u>Charleston</u>	<b>State</b> <u>SC</u>	<b>Zip Code</b> <u>29401</u>
Transcript Information			
<b>Docket Number</b> <u>2016-CP-10-03468</u>	<b>Case Caption</b> (i.e. State v. John Doe or Smith v. Smith) <u>480 King Street, LLC v. Glick/Boehm &amp; Associates, Inc.</u>		
<b>Date(s) of Proceeding</b> <u>12/02/21</u>	<b>Circuit</b> <input checked="" type="checkbox"/> <b>Family</b> <input type="checkbox"/>	<b>County</b> <u>Charleston</u>	
<b>Presiding Judge</b> <u>The Honorable Jennifer B. McCoy</u>	<b>Expedited</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<b>Court Reporter(s)</b> <u>DCRP</u> _____	<b>Opposing Counsel</b> <u>Ken T. Stair, Paul E. Sperry, C. Robin Schmidt</u> <u>Wm. Mark Koontz, C. Brandon Belger,</u> <u>K. Michael Barfield, Diane Summers Clark, II</u>		

**Requestor's Signature:** Jesse Sanchez  
(Typed name will serve as signature)

**Date:** 01/04/2021

**Note:** If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
<b>Full Name</b> _____	<b>Date Received</b> _____	<b>Email Address</b> _____	
<b>Notice of Estimate to Requestor Party</b> Date: _____ Number of Pages: _____ Estimated Amount _____			
<b>Mailing Address for Payment</b> _____	<b>City</b> _____	<b>State</b> _____	<b>Zip Code</b> _____

**RECEIVED**

**Dec 22 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Jennifer B. McCoy  
Circuit Court Judge

Case No. 2016-CP-10-03468

Charles Blanchard  
Construction Corp. Inc.,

Plaintiff,

v.

480 King Street, LLC,

Defendant.

---

480 King Street, LLC,

Plaintiff,

v.

Glick/Boehm & Associates,  
Inc.

Defendant.

Of which 480 King Street, LLC is the Appellant, and Glick/Boehm & Associate, Inc., is the Respondent.

---

**NOTICE OF APPEAL**

---

480 King Street, LLC (“Appellant”) appeals the *Order on Glick/Boehm & Associates, Inc.’s Motion to Dismiss and Motion for Sanctions* of the Honorable Jennifer B. McCoy, entered on December 16, 2021. Notice of entry of the Order was received on December 16, 2021. A copy of the subject order is attached.

THE LAW OFFICE OF JESSE SANCHEZ, LLC

s/Jesse Sanchez

Jesse Sanchez, Esquire (SC Bar No. 101906)  
98 ½ Broad Street, Suite B  
Charleston, SC 29401  
(843) 814-8181 (Phone)  
(843) 284-3953 (Fax)  
jesse@jessesanchezlaw.com

AND

HALVERSEN & HALVERSEN, LLC

Brent S. Halversen, Esquire (SC Bar No. 76495)  
751 Johnnie Dodds Blvd., Suite 200  
Mount Pleasant, SC 29464  
(843) 284-5790 (Phone)  
(864) 326-4844 (Fax)  
Brent@halversenlaw.com

ATTORNEYS FOR APPELLANT  
480 KING STREET, LLC

December 22, 2021  
Charleston, South Carolina

Other Counsel of Record:

COPELAND, STAIR, KINGMA & LOVELL, LLP

Ken T. Stair, Esquire (SC Bar No. 14029)  
Paul E. Sperry, Esquire (SC Bar No. 68441)  
C. Robin Schmidt, Esquire (SC Bar No. 78911)  
40 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
(843) 727-0307 (Phone)  
kstair@cskl.law  
psperry@cskl.law  
rschmidt@cskl.law

ATTORNEYS FOR RESPONDENT  
GLICK/BOEHM & ASSOCIATES, INC.

KOONTZ MLYNARCZYK, LLC

Wm. Mark Koontz, Esquire  
C. Brandon Belger, Esquire  
1058 East Montague Avenue  
North Charleston, SC 29405  
(843) 225-4252 (Phone)  
mark@kmlawsc.com  
brandon@kmlawsc.com

AND

BARNWELL WHALEY PATTERSON & HELMS, LLC

K. Michael Barfield, Esquire  
Diane Summers Clarke, II, Esquire  
211 King Street, Suite 300 (29401)  
PO Drawer H  
Charleston, SC 29402  
(843) 577-7700 (Phone)  
mbarfield@barnwell-whaley.com  
sclarke@barnwell-whaley.com

ATTORNEYS FOR CHARLES BLANCHARD  
CONSTRUCTION CORP., INC.

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THE NINTH JUDICIAL DISTRICT
COUNTY OF CHARLESTON	)	
	)	CASE NO.: 2016-CP-10-03468
CHARLES BLANCHARD CONSTRUCTION	)	
CORP., INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	<b>ORDER ON GLICK/BOEHM &amp;</b>
	)	<b>ASSOCIATES, INC.'S MOTION TO DISMISS</b>
	)	<b>AND MOTION FOR SANCTIONS</b>
480 KING STREET, LLC	)	
	)	
Defendant.	)	
	)	
480 KING STREET, LLC,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
GLICK/BOEHM & ASSOCIATES, INC.	)	
	)	
Defendant.	)	

**ORDER ON GLICK/BOEHM & ASSOCIATES, INC.'S MOTION TO DISMISS AND MOTION FOR SANCTIONS**

**RECEIVED**  
**Dec 22 2021**  
**SC Court of Appeals**

**FACTS**

Defendant Glick/Boehm & Associates, Inc. (“Defendant”) filed a Motion to Dismiss the Complaint of Plaintiff 480 King Street, LLC (“480 King” or “Plaintiff”), pursuant to Rule 12(b)(6), SCRCF and a Motion for Sanctions against 480 King pursuant to Rule 11, SCRCF. Plaintiff filed a Memorandum in response and opposition to both Motions and Defendant thereafter filed a responsive Memorandum. The Court read and considered all of these written submissions and thereafter, on December 2, 2021, heard oral argument from counsel for both parties. At the close of that hearing, the Court announced it would grant Defendant’s Motion to Dismiss and deny the Motion for Sanctions. This written Order will formally memorialize those rulings.

## MOTION TO DISMISS

In its Motion, Defendant contends that the claims asserted against it by Plaintiff are all based upon its alleged negligent performance of professional services as an Architect, and that Plaintiff failed to file a proper Affidavit in support of those claims as required by S.C. Code Ann. §15-36-100(B). The Court agrees with those and other arguments presented by Counsel for Defendant and, as a result, grants the Motion.

Defendant is an Architect, and not a Professional Engineer. Architects are one of the 22 professional groups specifically afforded protection in actions for damages alleging professional negligence under S.C. Code Ann. § 15-36-100(G) (2015). The sole Affiant presented by Plaintiff in support of its Complaint, Louis Hackney, is a Professional Engineer and not an Architect. Professional Engineers are a different and separate group covered by the same statute. Architects and Professional Engineers receive different educational degrees, are licensed and regulated by separate registration boards, and otherwise are, simply stated, different professions.

The initial provision of the Act defines "expert witness" as "an expert who is qualified as to the acceptable conduct of *the professional whose conduct is at issue*." S.C. Code Ann. § 15-36-100 (A) (emphasis added). The "expert witness must specify at least one negligent act of omission claimed to exist," keeping in mind that negligence in that context is the failure of an accused professional to abide by the standard of care applicable to the profession against whom the negligence is alleged. S.C. Code Ann. § 15-36-100 (B). As previously noted, the Defendant in this case is an Architect and its services must be judged against the standard of care of an Architect. Given Mr. Hackney's acknowledgement that he is not an Architect; the statement in his affidavit that his experience has been "[a]s a Professional Engineer," with no corresponding expression of any experience "as an Architect;" his failure to express any opinion against the Defendant in terms

of the standard of care of an Architect and his deposition testimony stating that, “[b]y signing the Affidavit, (he) did not intend to offer an opinion about the standard of care of an Architect,” and that he does “not intend in this case to offer a professional opinion about the standard of care of an Architect,” this Court concludes that Plaintiff has failed to present an affidavit in support of the claims against this Defendant, as required by n S.C. Code Ann. §15- 36-100, et. seq. As a result, Defendant’s Motion to Dismiss must be granted, and Defendant Glick/Boehm & Associates, Inc. is hereby dismissed with prejudice.

### **MOTION FOR SANCTIONS**

While the Court disagrees with the arguments asserted by Plaintiff’s counsel pertaining to the merits for Defendant’s dismissal, it cannot be said that those arguments are specious or of any nature giving rise to an award of sanctions in favor of Defendant. Therefore, that portion of Defendant’s Motion is denied.

### **ORDER**

**ORDERED** for the reasons set forth above and otherwise under this Court’s interpretation of the legal principles applicable, that Defendant’s Motion to Dismiss is **GRANTED**, and the case against Defendant is dismissed with prejudice.

**ORDERED** for the reasons set forth above and otherwise under this Court’s interpretation of the legal principles applicable, that Defendant’s Motion for Sanctions is **DENIED**.

**AND IT IS SO ORDERED.**

---

The Honorable Jennifer B. McCoy  
Circuit Court Judge

Charleston, South Carolina

This \_\_\_\_ day of \_\_\_\_\_, 2021.



Charleston Common Pleas

**Case Caption:** Charles Blanchard Construction Corp Inc VS 480 King Street LLC ,  
defendant, et al  
**Case Number:** 2016CP1003468  
**Type:** Order/Other

So Ordered

s/Jennifer B. McCoy #2764