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Jan 24 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
In The Circuit Court

Teasa K. Weaver, Circuit Court Judge

Appellate Case No. 2021-001081

ROBERT H. SARN,

Appellant,

v.

JAMES C. RHEA, III,
CITY ELECTRIC SUPPLY COMPANY, and
TÄSCHNER TEXTILE INDUSTRIES, LLC,

of whom

JAMES C. RHEA, III, and
CITY ELECTRIC SUPPLY COMPANY are the

Respondents.

REPLY ON MOTION TO CORRECT CAPTION

Pursuant to Rule 240(f), S.C.A.C.R., the Appellant, by his counsel undersigned, moves this Court for an order correcting the caption to this appeal,

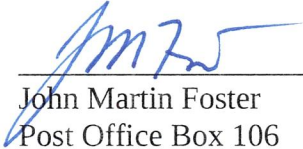
1. As stated in his Motion to Correct Caption, the Notice of Appeal herein, as shown above, and subsequent filings, list the Respondents as JAMES C. RHEA, III and CITY ELECTRIC SUPPLY COMPANY.
2. Again, that listing is incorrect. The true Respondents are JAMES C. RHEA, III and TÄSCHNER TEXTILE INDUSTRIES, LLC: those parties were the movants on the summary judgment below and are the recipients shown on the all Certificates of Service in this appeal.

3. The Order of the Circuit Court granting Defendants' Motion for Summary Judgment, filed March 31, 2021, by the Honorable Teasa K. Weaver, was filed with the Clerk of this Court as required. That Order clearly states that no decision was made as to CITY ELECTRIC SUPPLY COMPANY.
4. CITY ELECTRIC SUPPLY COMPANY was not served with the Notice of Appeal; The copied parties, and those noticed on the Certificate of Service are stated as: "Attorneys for Respondents Rhea and Täschner Textile Companies, LLC."
5. With respect to opposing counsel, it is not unusual for persons in Appellate practice to request extensions of time. This is especially the case when Appellant's counsel is a sole practitioner while opposing counsel is with a large, multi-member firm.
6. In this regard, counsel for Appellant would point out that the Certificate of Service on the Return of TÄSCHNER TEXTILE INDUSTRIES, LLC recites that its Return, dated January 17th, 2022, was served by mail on January 14th, 2022.; a document cannot be sent three days before it was written.
7. TÄSCHNER TEXTILE INDUSTRIES, LLC misstates the nature of prejudice to itself; prejudice consists of a circumstance that would prevent its ability to fully argue its case. It does not consist of a drafting error which it now seeks to utilize to its benefit.

The basis of this Reply is the within-cited Rules, the records of this appeal, which items are hereby incorporated by reference in this Reply.

WHEREFORE, the Appellant herein moves this Court move this Court for an order correcting the caption as stated above.

January 24, 2022



John Martin Foster
Post Office Box 106
Rock Hill, South Carolina 29731
(803) 324-8100
Attorney for Appellant

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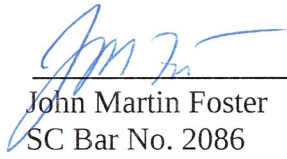
Respondents.

CERTIFICATE OF SERVICE

I certify that I have served the Appellant's Reply to the Return to its Motion to Correct Caption on the following counsel or persons of record:

Daniel J. Ballou
J. Nathaniel Pierce
Morton & Gettys
Attorneys for Respondents Rhea and Täschner Textile Companies, LLC
dan.ballou@mortongettys.com
nate.pierce@mortongettys.com

by filing the same by e-mail with the South Carolina Court of Appeals, pursuant Section (b)(2) of that Order on Methods of Electronic Filing and Service under Rule 262 of the South Carolina Appellate Court Rules entered August 25, 2021, and by Section (d)(1) upon counsel named above using the said lawyer's primary e-mail addresses listed in the Attorney Information System (AIS).



John Martin Foster
SC Bar No. 2086
Post Office Box 106
Rock Hill, South Carolina 29731
(803) 324-8100
Attorney for Appellant

January 24, 2022

Rock Hill, South Carolina