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May 23 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM Charleston COUNTY
Court of Common Pleas for the Ninth Circuit

The Hon. Jennifer B. McCoy, Circuit Court Judge

Case No.: 2016-CP-10-01833

Andrew and Kimberly McIntire,.....*APPELLANTS*,

v.

Sequest Development Company, Inc.; Red Bay Constructors Corp.; Benzenberg Custom Cabinets, Inc.; Jonathan Marshall Construction; Coastal Window & Door Center of Charleston, LLC; Carolina Window & Millwork, LLC n/k/a Carolina Window & Millwork-Omni Glass Industries, LLC; Southcoast Exteriors, Inc.; Michael Casteen d/b/a Casteen Custom Cabinets; Quality Cedar Products, Inc. of Michigan d/b/a Michigan Prestain Co.; Coastal Plumbing & Gas, LLC; Foam Insulation Co. Inc.; Jerry Comer d/b/a Jerry's Tile & Marble, LLC; Lowcountry Fireplaces, Inc; Carolina Pest Solutions, Inc.; New South Construction Supply, LLC,
Defendants,

AND

Sequest Development Company, Inc, Third-Party Plaintiff/*APPELLANT*,

v.

Architectural Products of Charleston, LLC; and Sealtight of South Carolina, LLC, Third-Party Defendants,

of which Red Bay Constructors Corp.; Benzenberg Custom Cabinets, Inc.; Jonathan Marshall Construction; Coastal Window & Door Center of Charleston, LLC; Carolina Window & Millwork, LLC n/k/a Carolina Window & Millwork-Omni Glass Industries, LLC; Southcoast Exteriors, Inc.; Michael Casteen d/b/a Casteen Custom Cabinets; Quality Cedar Products, Inc. of Michigan d/b/a Michigan Prestain Co.; Coastal Plumbing & Gas, LLC; Foam Insulation Co. Inc.; Jerry Comer d/b/a Jerry's Tile & Marble, LLC; Lowcountry Fireplaces, Inc; Carolina Pest Solutions, Inc.; New South Construction Supply, LLC, are.....*RESPONDENTS*.

PROOF OF SERVICE

I certify that I have served the corrected Record on Appeal and Certificate of Counsel on opposing counsel via e-mail, on May 20, 2022, addressed to Respondents' attorneys of record as follows:

William W. Watkins, Jr.
John J. Dodds, IV
Wall Templeton & Haldrup, P.A.
145 King Street, Suite 300
Charleston, South Carolina 29401
john.dodds@walltempleton.com
trey.watkins@walltempleton.com
Attorneys for Jerry Comer d/b/a Jerry's
Tile & Marble

Danielle F. Payne
McAngus Goudelock & Courie, LLC
Post Office Box 650007
Mount Pleasant, South Carolina 29464
danielle.payne@mgclaw.com
Attorney for Red Bay Constructors

Shelley S. Montague
Gallivan White & Boyd, P.A.
1201 Main Street, Suite 1200
Columbia, South Carolina 29201
smontague@gwblawfirm.com
Attorney for Benzenberg Custom Cabinets, Inc.

Erin D. Dean
Stacey P. Canaday
Tupper Grimsley Dean & Canaday, P.A.
611 Bay Street
Beaufort, South Carolina 29902
erindean@tgdcpa.com
staceycanaday@tgdcpa.com
Attorneys for Jonathan Marshall Construction

Suzanne C. Ulmer
Kernodle Coleman
Post Office Box 13897

Charleston, South Carolina 29422
sulmer@kernodlelaw.com
Attorney for Carolina Pest Solutions, Inc.

James H. Elliott
Samia Albenberg
Richardson Plowden & Robinson, P.A.
235 Magrath Darby Boulevard, Suite 100
Mount Pleasant, South Carolina 29464
JElliott@richardsonplowden.com
Attorney for New South Construction Supply, LLC

Brent Morris Boyd
Murphy Grantland, PA
PO Box 6648
4406-B Forest Drive
Columbia, SC 29260
bboyd@murphygrantland.com
Attorney for New South Construction Supply, LLC

Shanna M. Stephens
Anderson Reynolds & Stephens, LLC
37 ½ Broad Street
Charleston, South Carolina 29401
sstephens@arslawsc.com

-and

Preston B. Dawkins, Jr.
Aiken Bridges Elliott Tyler & Saleeby, P.A.
Post Office Drawer 1931
Florence, South Carolina 29552
pbd@aikenbridges.com
Attorneys for Coastal Plumbing & Gas, LLC

John E. Rogers, II
Ward Law Firm, P.A.
233 Pine Street
Spartanburg, South Carolina 29302
JRogers@wardfirm.com
Attorney for Southcoast Exteriors, Inc.

D. Summers Clarke, II
Kenneth Barfield

Barnwell Whaley Patterson & Helms, LLC
Post Office Drawer H
Charleston, South Carolina 29402
sclarke@barnwell-whaley.com
Attorney for Foam Insulation Co., Inc.

Albert A. Lacour, III
Clawson & Staubes, LLC
125 Seven Farms Drive, Suite 200
Charleston, South Carolina 29492
ALacour@clawsonandstaubes.com
Attorney for Lowcountry Fireplaces, Inc.

Amanda K. Dudgeon
mandi@chandlerdudgeon.com
J. Matthew Johnson
CHANDLER & DUDGEON LLC
P.O. Box 547
Charleston, SC 29402
Attorneys Sealtight of South Carolina, LLC

Jason A. Daigle, SC Bar No. 73308
jdaigle@yctrlaw.com
Edward Buckley
ebuckley@yctrlaw.com
CLEMENTRIVERS, LLP
P.O. Box 993
Charleston, SC 29402
Attorneys for Defendant Seaquest Development Company, Inc

A copy of the e-mail is attached to this Proof of Service as Exhibit A.

By s/Angela
Angela Gross
Legal Assistant to
Jaan G. Rannik
46A State Street, Charleston, SC 29401
Phone: 843-377-1871; Fax: 843-377-1310

EXHIBIT A

Angela Gross

From: Angela Gross
Sent: Friday, May 20, 2022 3:44 PM
To: Tim J. Newton; Jaan Rannik; Brown, Stephen L.; Buckley, Edward D. (Ed); Daigle, Jason; Hines, Russell; Shelley Montague; Suzanne Ulmer; 'Shanna Stephens'; pbd@aikenbridges.com; Trey Watkins; John Dodds; Summers Clarke; Dean, Erin; staceycanaday@tgdcpa.com; Andy Lacour; James H. Elliott ; samhanafi@gmail.com; Brent M. Boyd; Bell, Pollyana (Polly); Danielle.payne@mgclaw.com; John Rogers; Jean-Charles, Alice; mjones@gwblawfirm.com; kgarvin@kernodlelaw.com; receptionist1@arlawsc.com; bdg@aikenbridges.com; sandra.schultz@walltempleton.com; jsegell@barnwell-whaley.com; edde-filings@tgdcpa.com; morganreeves@tgdcpa.com; mmayden@richardsonplowden.com; samia@letssimplify.com; Barbara A. Wilson; lisa.carducci@mgclaw.com; ssantana@wardfirm.com; Justman, Aimee; mbarfield@barnwell-whaley.com; Amanda K. Dudgeon; matt@chandlerdudgeon.com
Cc: Angela Gross; Jaan Rannik
Subject: RE: McIntire v. Seaquest; Appellate Case No. 2021-001055

All,

I have made the corrections to the Record on Appeal per Mr. Newton's email. Below for service is a Dropbox link containing the corrected Record on Appeal in the above referenced appeal:

<https://www.dropbox.com/s/zfxb5xwd9vjy592/2022%2005%2020%20-%20Corrected%20Record%20on%20Appeal.pdf?dl=0>

With kindest regards,



Angela Gross
Legal Assistant to Andrew K. Epting, Jr., Esquire
Jaan G. Rannik, Esquire
EPTING & RANNIK, LLC
46A State Street
Charleston, SC 29401
Telephone: (843) 377-1871
Facsimile: (843) 377-1310
agg@epting-law.com

From: Tim J. Newton <tnewton@murphygrantland.com>
Sent: Friday, May 20, 2022 9:53 AM
To: Angela Gross <agg@epting-law.com>; Jaan Rannik <jgr@epting-law.com>; Brown, Stephen L. <sbrown@yctrlaw.com>; Buckley, Edward D. (Ed) <ebuckley@yctrlaw.com>; Daigle, Jason <jdaigle@yctrlaw.com>; Hines, Russell <RHines@yctrlaw.com>; Shelley Montague <smontague@gwblawfirm.com>; Suzanne Ulmer <sulmer@kernodlelaw.com>; 'Shanna Stephens' <sstephens@arlawsc.com>; pbd@aikenbridges.com; Trey Watkins <trey.watkins@walltempleton.com>; John Dodds <John.Dodds@WallTempleton.com>; Summers Clarke <sclarke@barnwell-whaley.com>; Dean, Erin <erindean@tgdcpa.com>; staceycanaday@tgdcpa.com; Andy Lacour

<ALacour@clawsonandstaubes.com>; James H. Elliott <JElliott@richardsonplowden.com>; samhanafi@gmail.com; Brent M. Boyd <bboyd@murphygrantland.com>; Bell, Pollyana (Polly) <pbell@ycrlaw.com>; Danielle.payne@mgclaw.com; John Rogers <jrogers@wardfirm.com>; Jean-Charles, Alice <ajeancharles@ycrlaw.com>; mjones@gwblawfirm.com; kgarvin@kernodlelaw.com; receptionist1@arlawsc.com; bdg@aikenbridges.com; sandra.schultz@walltempleton.com; jsegell@barnwell-whaley.com; edde-filings@tgdcpa.com; morganreeves@tgdcpa.com; mmayden@richardsonplowden.com; samia@letssimplify.com; Barbara A. Wilson <bawilson@murphygrantland.com>; lisa.carducci@mgclaw.com; ssantana@wardfirm.com; Justman, Aimee <AJustman@ycrlaw.com>; mbarfield@barnwell-whaley.com; Amanda K. Dudgeon <mandi@chandlerdudgeon.com>; matt@chandlerdudgeon.com

Subject: FW: McIntire v. Seaquest; Appellate Case No. 2021-001055

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Jaan,

Upon review of the Record on Appeal that was served May 9, 2022, it appears there are issues to be resolved before we can proceed to final briefing:

- (1) It appears that Seaquest's Memorandum in Opposition to Plaintiff's Motion to Stay and Compel Arbitration (filed Oct. 13, 2016) was included twice, once at ROA p. 122 and again at ROA p. 200. I attached the document that I believe should be substituted for the duplicate: Seaquest's Memorandum in Support of its Motion to Dismiss or Stay Proceedings (also filed Oct. 13, 2016). It appears this substitution will affect the pagination of the ROA.
- (2) The current version of the ROA does not appear to include the Initial Brief of Appellants filed Aug. 2, 2017 in Appellate Case No. 2017-001270, which was designated by the Respondents. I've attached that also.
- (3) The e-mail thread from Andy Lacour to Judge Young dated February 19, 2021 has a garbled portion. I attached a clean copy of that thread.

We ask that a complete and accurate version of the Record on Appeal be served to avoid a motion requesting correction. The deadlines for serving final briefs should be stayed until the updated ROA is served.

Thank you for your attention to this matter.

Tim Newton



Murphy & Grantland, P.A.

Timothy J. Newton, Esquire

tnewton@murphygrantland.com

Post Office Box 6648

Columbia, South Carolina 29260

803-782-4100 ext. 1242

803-454-1242 dd

803-782-4140 fax

www.murphygrantland.com

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From: Brent M. Boyd <bboyd@murphygrantland.com>
Sent: Monday, May 9, 2022 3:36 PM
To: Tim J. Newton <tnewton@murphygrantland.com>
Subject: FW: McIntire v. Seaquest; Appellate Case No. 2021-001055

From: Angela Gross <agg@epting-law.com>
Sent: Monday, May 9, 2022 3:35 PM
To: Jaan Rannik <jgr@epting-law.com>; Brown, Stephen L. <sbrown@ycrlaw.com>; Buckley, Edward D. (Ed) <ebuckley@ycrlaw.com>; Daigle, Jason <jdaigle@ycrlaw.com>; Hines, Russell <RHines@ycrlaw.com>; smontague@gwblawfirm.com; sulmer@kernodlelaw.com; sstephens@arslawsc.com; pbd@aikenbridges.com; Trey Watkins <trey.watkins@walltempleton.com>; john.dodds@walltempleton.com; sclarke@barnwell-whaley.com; Dean, Erin <erindean@tgdcpa.com>; staceycanaday@tgdcpa.com; alacour@clawsonandstaubes.com; jelliott@richardsonplowden.com; samhanafi@gmail.com; Brent M. Boyd <bboyd@murphygrantland.com>; Bell, Pollyana (Polly) <pbell@ycrlaw.com>; danielle.payne@mgclaw.com; jrogers@wardfirm.com; Jean-Charles, Alice <ajeancharles@ycrlaw.com>; mjones@gwblawfirm.com; kgarvin@kernodlelaw.com; receptionist1@arslawsc.com; bdg@aikenbridges.com; sandra.schultz@walltempleton.com; jsegell@barnwell-whaley.com; edde-filings@tgdcpa.com; morganreeves@tgdcpa.com; 'shatch@clawsonandstaubes.com' <shatch@clawsonandstaubes.com>; mmayden@richardsonplowden.com; samia@letssimplify.com; Barbara A. Wilson <bawilson@murphygrantland.com>; lisa.carducci@mgclaw.com; ssantana@wardfirm.com; Justman, Aimee <AJustman@ycrlaw.com>; mbarfield@barnwell-whaley.com; Amanda K. Dudgeon <mandi@chandlerdudgeon.com>; matt@chandlerdudgeon.com
Cc: Angela Gross <agg@epting-law.com>
Subject: RE: McIntire v. Seaquest; Appellate Case No. 2021-001055

Dear Counsel,

Below for service is a Dropbox link containing the Record on Appeal and Certificate of Counsel pursuant to Rule 210(g) in the above referenced appeal:

<https://www.dropbox.com/s/qouhj7pitx6hc1r/2022%2005%2009%20-%20Record%20on%20Appeal.pdf?dl=0>

Please let me know if you have any additions or corrections to the Record on Appeal.

A Proof of Service will follow under separate cover.

With kindest regards,



Angela Gross
Legal Assistant to Andrew K. Epting, Jr., Esquire
Jaan G. Rannik, Esquire
EPTING & RANNIK, LLC
46A State Street
Charleston, SC 29401
Telephone: (843) 377-1871
Facsimile: (843) 377-1310
agg@epting-law.com