

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

Hampton Hall, LLC,)	Civil Action No. 9:17-1575-RMG
)	
Plaintiff,)	
)	
v.)	ORDER AND OPINION
)	
Chapman Coyle Chapman & Associates)	
Architects AIA, Inc., and Choate)	
Construction Company,)	
)	
Defendants.)	
)	

This matter is before the Court on Plaintiff’s unopposed motion to reconsider the Court’s order on Plaintiff’s motion for reconsideration of the Court’s order on summary judgment. This is a construction defect case. When granting partial summary judgment, the Court ruled certain claims (claims other than gross negligence) are barred by South Carolina’s statute of repose for construction defect claims, which bars claims more than eight years after the date of substantial completion. Plaintiff moved for reconsideration of that order, which the Court denied. In the order denying the motion for reconsideration, the Court noted,

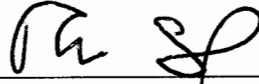
Fourth, Plaintiff argues the Court focused on truss issues with the community clubhouse to the neglect of code violations regarding stucco over parapet walls in the clubhouse and other buildings. It is true that the documents establishing the date of substantial completion on their face pertain only to the community clubhouse. Discovery is still open and newly discovered evidence is a proper basis for a motion to reconsider. *Pac. Ins. Co.*, 148 F.3d at 403. If Plaintiff discovers a certificate of substantial completion for another building in the project dated within eight years of the filing of the present action, Plaintiff may move for reconsideration as to that building.

Plaintiff requests the Court clarify its order to apply only to claims regarding the Community Club House, also known as the Social Clubhouse. Defendants have stipulated that they do not assert

the statute of repose as a defense against any claims regarding any structure other than the Community Club House (Dkt. No. 41-1), and they do not oppose Plaintiff's motion.

The Court **GRANTS** Plaintiff's motion to reconsider (Dkt. No. 41) and **CLARIFIES** that the order granting partial summary judgment applies only to claims (other than claims for gross negligence) regarding alleged defects in the Community Club House, and that summary judgment has not been granted for any claims relating to structures other than the Community Club House.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

March 12, 2018
Charleston, South Carolina