

RECEIVED
Sep 09 2022
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

HONORABLE W. YOUNG, Circuit Court Judge

Appellate Case No. 2019-000148

Tymika Jones Alston and Harold Alston individually
And as Parents and Guardians on behalf of their minor child,
J.A., Appellants

v.

Donald Torres d/b/a DMT Construction, Co., Inc.,
L&L Electric, Inc. and Eduard Moreno d/b/a E.S. Moreno
Construction, Defendants,
Of which Donald Torres d/b/a DMT Construction Co,
is the Respondent Respondent

CONSENT MOTION TO DISMISS APPEAL OF PLAINTIFF-APPELLANT

Pursuant to South Carolina Local Rule 260(b), Plaintiff-Appellant and Defendant-Appellee, by and through their undersigned counsel, hereby move to dismiss the appeal in Appellate Case Number: 2019- 000148.

1. The parties agree and have consented to dismiss the appeal as to the individual claims for Plaintiff- Appellant Tymika Jones Alston and Plaintiff-Appellant Harold Alston.
2. The parties further agree that this dismissal in no way affects the claims of the Plaintiff-Appellants’ minor child, J.A., and that these claims are preserved for further proceedings upon remand of this case to the circuit court below.

3. The parties likewise mutually agree, upon notice of counsel for Defendant-Appellee, that the Defendant-Appellee Donald Torres d/b/a DMT Construction Co. is appropriately identified as DMT Construction Co., Inc., and upon remand to the court below, Plaintiffs shall move to amend the complaint accordingly.

WHEREFORE, Plaintiff-Appellant requests the Clerk to enter an order of dismissal and issue a copy of the order as the mandate.

Respectfully Submitted,

GIST LAW FIRM, PA

/s Donald Gist

Donald Gist
4400 N. Main Street
Columbia, South Carolina 29203
Telephone: (803) 771-8007

Attorneys for Plaintiffs

McANGUS GOUDELOCK & COURIE,
LLC

s/Helen F. Hiser

Helen F. Hiser
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

Attorneys for Respondent Donald Richard
Torres d/b/a DMT Construction Co., Inc.

RECEIVED
Sep 09 2022
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

HONORABLE W. YOUNG, Circuit Court Judge

Appellate Case No. 2019-000148

Tymika Jones Alston and Harold Alston individually
And as Parents and Guardians on behalf of their minor child,
J.A, Appellants

v.

Donald Torres d/b/a DMT Construction, Co., Inc.,
L&L Electric, Inc. and Eduard Moreno d/b/a E.S. Moreno
Construction, Defendants,
Of which Donald Torres d/b/a DMT Construction Co,
is the Respondent Respondent

Proof of Service

The undersigned certifies that a copy of the foregoing **Consent Motion to Dismiss Appeal of Plaintiff-Appellant** by mailing a true copy of the same by US Mail, addressed as follows:

Helen Hiser, Esquire
Geoffrey W. Gibbon, Esquire
McAngus Goudelock & Courie
55 E. Camperdown Way, Suite 300
Greenville, SC 29601
(864) 239-4000
Attorneys for Respondent

Jordan Lewis
Jordan Lewis, Law Clerk

This 9th day of September, 2022
Columbia, South Carolina