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Oct 12 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM THE LANCASTER COUNTY  
Court Of Common Pleas

Brian M. Gibbons, Circuit Court Judge

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CASE ACTION NO.: 2020-CP-29-00841  
APPELLATE CASE NO.: 2022-000734

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Boggs Materials, Inc.....Respondent,

v.

JEY General Contractors, LLC, Marco Contractors, Inc.,  
and Old Republic Surety  
Company.....Defendatnts,

of which Marco Contractors, Inc. and  
Old Republic Surety Company are.....Appellants.

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AGREEMENT OF DISMISSAL

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The Parties, by and through their undersigned counsel, hereby agree that that above-captioned matter shall be, and hereby is, dismissed pursuant to Rule 260(b), SCACR, with each party to bear its own costs and attorney's fees.

*[SIGNATURES ON FOLLOWING PAGE]*

Respectfully submitted,

/s/ Lee M. Thomas

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Lee M. Thomas (SC Bar # 103034)  
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/s/ Benjamin C. Bruner

Benjamin C. Bruner (S.C. Bar # 77544)  
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*Attorney for the Respondent*

-AND-

Christopher A. Cafardi (PA Bar # 90904)\*

\*Admitted *Pro Hac Vice*

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*Attorneys for the Appellants*

October 12, 2022

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Boggs Materials, Inc.,.....Respondent,

v.

JEY General Contractors, LLC, Marco Contractors, Inc., and Old Republic Surety Company,  
Defendants,

Of which, Marco Contractors, Inc. and Old Republic Surety Company are.....Appellants.

PROOF OF SERVICE

I, the undersigned employee of Bruner, Powell, Wall & Mullins, LLC, certify that I have served the *Agreement of Dismissal* on the Appellants by e-mail only on October 12, 2022, addressed its attorney, Lee M. Thomas and Elizabeth A. Martineau at Martineau King PLLC, P.O. Box 241268, Charlotte, NC 28224 [lthjomas@martineauking.com](mailto:lthjomas@martineauking.com) and [emartineau@martineauking.com](mailto:emartineau@martineauking.com) and Christopher A. Cafardi at Carfardi Ferguson Wyrick Weis & Gabriel, LLC 2605 Nicholson Rd., Suite 2201, Sewickley, PA 15143 [ccafardi@cfwwg.com](mailto:ccafardi@cfwwg.com).

  
Bridget S. Steele

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\* ALSO ADMITTED IN DISTRICT OF COLUMBIA

October 12, 2022

**VIA E-MAIL ONLY**

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

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**SC Court of Appeals**

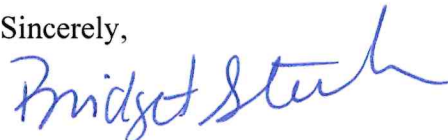
**Re: Boggs Materials, Inc. v. JEY General Contractors, LLC; Marco Contractors, Inc.; and Old Republic Surety Company  
Appellate Case No.: 2022-000734  
Our File No.: 9-3205.100**

Dear Ms. Kitchings:

Enclosed for filing is an Agreement of Dismissal in the above referenced matter.

With my kindest regards, I am,

Sincerely,



Bridget S. Steele

Legal Assistant to Benjamin C. Bruner

/bs

Enclosure

cc: Boggs Materials, Inc. (Via Email Only)  
Lee M. Thomas, Esquire (Via Email Only)  
Elizabeth A. Martineau, Esquire (Via Email Only)  
Christopher A. Cafardi, Esquire (Via Email Only)