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Oct 14 2022
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON
COUNTY
Court of Common Pleas

Clifton Newman, Circuit Court Judge

Trial Case No. 2022-CP-10-00126

Appellate Case No. 2022-000640

Ann and James Cavanaugh,
Kiawah Development Partners,
LLC, Knight Residential
Group Charleston, LLC, H&J
Services, LLC, Professional
Roofers, Inc., Construction
Applicators Charleston, LLC,

Respondents,

v.

Privilege Underwriters
Reciprocal Exchange,

Appellant.

MOTION TO WITHDRAW APPEAL

Appellant, Privilege Underwriters Reciprocal Exchange, by and through undersigned counsel and pursuant to Rule 260(c) of the South Carolina Appellate Court Rules, hereby moves to withdraw its appeal and as grounds states as follows:

1. On January 10, 2022, Respondents Ann and James Cavanaugh (“the Cavanaugh’s”)

initiated this action in Charleston County.

2. Appellant, Privilege Underwriters Reciprocal Exchange (“PURE”), timely moved to intervene in the lawsuit on February 9, 2022.

3. The Cavanaugh's were the only Respondents to oppose PURE's Motion to Intervene.

4. The Court denied PURE's Motion to Intervene by written order on April 12, 2022, and PURE appealed the denial of its Motion to Intervene on May 11, 2022.

5. On July 12, 2022, PURE moved for an extension of time to file its Initial Brief and Designation of Matters on Appeal on the grounds that it was engaged in negotiations with the Cavanaugh's that would resolve the issue on appeal, and that it had already consented to dismissal of the appeal as a mandatory term of the agreement.

6. Because the parties had not reached a final agreement when PURE's filing deadline arrived, PURE filed its Initial Brief and Designation of Matters on Appeal on August 15, 2022.

7. PURE and the Cavanaugh's have since reached an agreement that resolves the issue on appeal and that requires PURE to withdraw the appeal.

8. The Cavanaugh's, through counsel, have consented to this Motion.

Therefore, PURE respectfully request that this Court enter an Order withdrawing its appeal of the denial of its Motion to Intervene.

Respectfully submitted this the 14th day of October, 2022.

[Signature on following page]

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CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2022 a true and correct copy of the foregoing
MOTION TO WITHDRAW APPEAL was served via email on the following:

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