

68491

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Roger M. Young, Sr.

RECEIVED

MAY 23 2013

SC Court of Appeals

Appellate No. 2012-213351  
Trial Court Case No. 2010-CP-10-9672

Hayden Jeffords, Individually and on Behalf of All Others Similarly Situated, Titus Gudel, Harold S. McEwan, D. Everett Walker, Paul Kane, Jeanne Debosh, Margarita Staudt, Leslie Ann O'Neal, Trivette C. Hatcher, William Scanlon, Delia Scanlon, Christy C. Parish, Joseph LaDue, Deborah LaDue, Pamela Snyder, Steven Goldberg, Brent McClaine, Brian Rasmussen, McKenzie Hutaff, Brian Kavanagh, Lynn Harris, and Kenneth A. Brown.....Plaintiffs,

Of Whom Hayden Jeffords, Individually and on Behalf of All Others Similarly Situated, Titus Gudel, Harold S. McEwan, D. Everett Walker, Paul Kane, Jeanne Debosh, Margarita Staudt, William Scanlon, Delia Scanlon, Christy C. Parish, Joseph LaDue, Deborah LaDue, Pamela Snyder, Steven Goldberg, Brent McClaine, Brian Rasmussen, McKenzie Hutaff, Brian Kavanagh, Lynn Harris, and Kenneth A. Brown are the Secondary Appellants,

Of Whom John Zohlen, Mary Zohlen, Leslie Anne O'Neal, and Trivette C. Hatcher are the Respondents.

v.

East Bridge Town Lofts, LLC a/k/a East Bridge, LLC a/k/a East Ridge Homes, LLC a/k/a East Bridge Lofts, LLC, Central 3, LLC, Creekstone East Bridge, LLC, Creekstone SC I, LLC, Alexandra Road Investors, LLC, Creekstone Management, LLC, Creekstone Management, Inc., Donald K. Henry, Everett Jackson, Steve Keller, Edward Michael Washburn, Kevin Ball, East Coast Carpentry a/k/a ECC Contracting, LLC, Fuller Drywall & Paint, Ltd., Delta Mechanical, Inc., a/k/a Carolina Delta Mechanical, Wasson Electric Heating & Air, Bay Club Homes, LLC, Terracon Consultants, Inc., Salvador Rubalcaba d/b/a Rubalcaba Construction, Robert Wasson and Barbara Wasson, Individually d/b/a Wasson Electric Heating & Air, Inc., and Charleston Chimney Services, Inc.....Defendants,

Of Whom East Bridge Town Lofts, LLC a/k/a East Bridge, LLC a/k/a East Ridge Homes, LLC a/k/a East Bridge Lofts, LLC, Central 3, LLC, Creekstone East Bridge, LLC, Creekstone SC I, LLC, Alexandra Road Investors, LLC, Creekstone Management, LLC, Creekstone Management, Inc.,

Donald K. Henry, Everett Jackson, Steve Keller, Edward Michael Washburn, and Kevin Ball are the Primary Appellants,

v.

East Bridge Lofts, LLC, Central 3, LLC, Creekstone Eastbridge, LLC, and Creekstone SC I, LLC, Alexandra Road Investors, LLC, Creekstone Management, LLC, Donald K. Henry, Everett Jackson, Steve Keller, Edward Michael Washburn, Kevin Ball, and Bay Club Homes, LLC.....Third-Party Plaintiffs,

v.

Robert Wasson and Barbara Wasson, Individually and d/b/a Wasson Electric Heating & Air, and Charleston 2 Chimney Services, Inc.....Third-Party Defendants.

**PETITION TO DISMISS PLAINTIFF/SECONDARY APPELLANT**

**COMES NOW**, Plaintiff/Secondary Appellant, Titus Gudel moves this Court for an order dismissing him from this Appeal as this Plaintiff/Secondary Appellant no longer wishes to pursue the Appeal.

**I SO MOVE:**

HAYES LAW FIRM, LLC

  
\_\_\_\_\_  
John C. Hayes, IV  
180 Meeting Street, Suite 330  
Charleston, SC 29401  
T: 843-805-7003  
F: 843-573-7388  
[jhayes@hayeslaw.org](mailto:jhayes@hayeslaw.org)

Donald K. Henry, Everett Jackson, Steve Keller, Edward Michael Washburn, and Kevin Ball are the Primary Appellants,

v.

East Bridge Lofts, LLC, Central 3, LLC, Creekstone Eastbridge, LLC, and Creekstone SC I, LLC, Alexandra Road Investors, LLC, Creekstone Management, LLC, Donald K. Henry, Everett Jackson, Steve Keller, Edward Michael Washburn, Kevin Ball, and Bay Club Homes, LLC.....Third-Party Plaintiffs,

v.

Robert Wasson and Barbara Wasson, Individually and d/b/a Wasson Electric Heating & Air, and Charleston 2 Chimney Services, Inc.....Third-Party Defendants.

**MOTION TO DISMISS PLAINTIFFS/SECONDARY APPELLANTS**

**COMES NOW**, Plaintiff/Secondary Appellant, Titus Gudel moves this Court for an order dismissing him from this Appeal as this Plaintiff/Secondary Appellant no longer wishes to pursue the Appeal.

**I SO MOVE:**

HAYES LAW FIRM, LLC

BY: Titus Gudel - 4-16-13

John C. Hayes, IV, Esquire  
Mary-Margaret Fitzhenry, Esquire  
180 Meeting Street, Suite 330  
Charleston, SC 29401  
**Attorneys for Hayden Jeffords;  
Harold S. McEwan, D. Everett Walker;  
Paul Kane; Jeanne Debosh; Margarita  
Staudt; William Scanlon; Delia Scanlon;  
Christy C. Parish; Joseph LaDue; Deborah  
LaDue; Pamela Snyder; Stephen Goldberg;  
Brian Rasmussen; McKenzie Hutaff; Brian  
Kavanaugh; Lynn Harris**

*client  
of John Hayes*

**RECEIVED**  
MAY 23 2013  
**SC Court of Appeals**

# HAYES LAW FIRM, LLC

180 Meeting Street – Suite 330  
Charleston, South Carolina 29401  
Tel: (843) 805-7003  
Fax: (843) 573-7388

John C. Hayes, IV  
Email: [jhayes@hayeslaw.org](mailto:jhayes@hayeslaw.org)

Mary-Margaret S. Fitzhenry  
Email: [mfitzhenry@hayeslaw.org](mailto:mfitzhenry@hayeslaw.org)

May 20, 2013

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11639  
Columbia, SC 29211

Re: *Hayden Jeffords, et al vs. East Bridge Town Lofts, LLC, et al.*  
Appellate No.: 2012-213351  
HLF File No.: 69.001

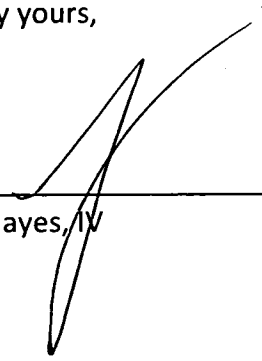
Dear Ms. Kitchings:

Enclosed please find an original and seven copies of a *Petition to Dismiss Plaintiff/Secondary Appellant* with regard to the above-referenced matter. Also enclosed is firm's check in the amount of \$25.00 for the appropriate filing fee. Please file the original and return a clocked-in copy to our office in the self-addressed stamped envelope enclosed for your convenience.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact us.

With kind regards, I remain

Very truly yours,

  
\_\_\_\_\_  
John C. Hayes, IV

JCH/jml  
Enclosures  
cc: All Counsel of Record (via email w/ enc.)

**RECEIVED**  
MAY 23 2013

**SC Court of Appeals**