

ROSS & CRISTALDI^{LLC}
ATTORNEYS AT LAW

Jeffrey A. Ross
Philip P. Cristaldi, III
Scott H. Winograd*
Emily C. Sheets
Brenten DeShields

Scott H. Winograd
863 Coleman Blvd., Ste. B
Mt. Pleasant, SC 29464
swinograd@rclawsc.com
(843) 329-4040

*Admitted in OH, NC, & SC

February 2, 2023

VIA E-File (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
Clerk of Court, S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Sarmed and Jessica M. Shafi v. D.R. Horton, Inc
Appellate Case No. 2022-000016

Dear Ms. Kitchings:

I am writing to advise the court that Lather Construction SC, Inc. was inadvertently added as a respondent to this matter. Lather Construction, Inc. is the only Lather respondent in this matter. Lather Construction SC, Inc. is not a Respondent in this matter. We respectfully ask the Court to adjust the case caption to reflect the same.

On the filings for this case, including the Notice of Appeal, Lather Construction, Inc., and Lather Construction SC, Inc. are listed as respondents on the case caption. This is incorrect as Lather Construction SC, Inc. was dismissed per the enclosed Stipulation of Dismissal that was filed on November 2, 2021 before the trial began. See attached Exhibit A. I have also enclosed an email from counsel for D.R. Horton, the Appellant, confirming that Lather Construction SC, Inc. was dismissed before trial. See attached Exhibit B.

I request that the Court remove Lather Construction SC, Inc. from its list of respondents. Should you have any questions regarding the above, please contact me.

Very truly yours,

s/ Scott H. Winograd

Scott H. Winograd

RECEIVED
Feb 02 2023
SC Court of Appeals

cc: Carl F. Muller (carl@carlmullerlaw.com)
John T. Crawford (crawford@conlaw.com)
Tyler E. Cloud (tcloud@clawsonandstaubes.com)
Emily Gifford Lucey (egiffordlucey@richardsonplowden.com)
Megan C. White (MWhite@richardsonplowden.com)
Alexandra Williams (ali@bentraywicklaw.com)
Ben Traywick (ben@bentraywicklaw.com)
Carmen Ganjehsani (CGanjehsani@RichardsonPlowden.com)
J. Olin McDougall, II (lin@mlf.law)
William Thomas Bacon, IV (tom@mlf.law)

Exhibit A

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

Richard W. and Rebecca A. Dreier; Yolanda J. Dreier, Jacob R. and Carla Emerson; John B. and Lori Anne Gecy; Aaron M. and Stasha R. Grooms; AvaRae Hall; Michael B. and Cheyenne M. Johnson; Kenny Manuel Lopez and Kelsey Trudel Lopez; Dylan C. and Samantha Dawn Machado; Marvin K. and Maryalice Mamaril; Thomas R. and Melissa S. McFeely; Michael and Karen M. Rodriguez; Sarmed and Jessica M. Shafi; James J. Smith, III, and Alayshia Smith; and Nicole J. Verstegen;

Plaintiffs,

v.

Advanced Flooring & Design Division of ISI, LLC f/k/a Advanced Flooring and Design, LLC; Americo Roofing Concepts, Inc.; Archer Exteriors, Inc.; Armor Building Solutions, LLC; Builders FirstSource – Southeast Group, LLC; Crossroads Enterprises, LLC; D.R. Horton, Inc.; Dean Custom Air, LLC; East Coast Construction Cleanup Corp. f/k/a S.C. Cleanup Co., Inc.; Freedom Homes, Inc. f/k/a Armor Building Solutions, Inc.; Hutton’s Landscapes, Inc.; Lather Construction SC, Inc.; Lather Construction, Inc.; Masco Cabinetry, LLC; ProBuild East, LLC; Professional Drywall & Paint Services, LLC; Professional Exteriors II, LLC; Quality Electric of the Coastal Carolinas Incorporated; Superior Association Services, LLC; Valim Construction, LLC;

Defendants.

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

Case No.: 2018-CP-07-00911

**STIPULATION OF DISMISSAL AS TO
LATHER CONSTRUCTION SC, INC.
(DOES NOT END CASE)**

Now, Therefore, Plaintiffs and Defendant DR Horton, Inc., by and through their undersigned counsel, hereby stipulate to the dismissal of Lather Construction SC, Inc. from this

matter with prejudice, pursuant to Rule 41(a)(1)(b) of the South Carolina Rules of Civil Procedure.

The parties shall bear their own attorneys' fees, costs, and expenses.

The parties specifically reserve all rights and causes of action against all other parties not dismissed herein.

WE SO MOVE:

s/Jeffrey A. Ross

Jeffrey A. Ross, Bar No.: 74254
Philip P. Cristaldi, Bar No.: 102219
Scott H. Winograd, Bar No.: 103483
863 Coleman Blvd., Suite B
Mt. Pleasant, South Carolina 29464
Phone: (843) 329-4040
Email: jross@rcaawsc.com
pcristaldi@rclawsc.com
swinograd@rclawsc.com

***Attorneys for Lather Construction, Inc., and
Lather Construction SC, Inc.***

WE CONSENT:

s/ Michael Nail

Michael Nail, Esq.
Kirsten Peterson, Esq.
Ogletree Deakins
300 North Main Street
Greenville, SC 29601
Michael.Nail@ogletreedeakins.com
Kirsten.peterson@ogletreedeakins.com

Attorneys for D.R. Horton, Inc.

WE CONSENT:

s/ Alexandra Scott Williams

Benjamin A.C. Traywick, Esq.
Alexandra Scott Williams, Esq.
Ben Traywick Law Firm, LLC
171 Church St, Suite 340
Charleston, SC 29401
P: (843) 872-1709
F: (843) 695-7839
ben@bentraywicklaw.com
ali@bentraywicklaw.com

-and-

J. Olin McDougall, II, Esq.
William Thomas Bacon, IV, Esq.
McDougall Law Firm, LLC
PO Box 1336
115 Lady's Island Commons
Beaufort, SC 29901

lin@mlf.law
tom@mlf.law

Attorneys for Plaintiffs

Exhibit B

Scott Winograd

From: Carl Muller <carl@carlmullerlaw.com>
Sent: Monday, January 23, 2023 9:42 AM
To: Scott Winograd
Subject: Lather SC

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ben not copied, Katy not copied, Kaylee not copied, Jeff not copied, Phil not copied, Emily not copied, Erin not copied, Bobbi not copied

Carl -- I have confirmation that it was dismissed. You may so note that I agree. -- Carl

--

Carl F. Muller
carl@carlmullerlaw.com
864.991.8904
864.751.2831 fax
607 Pendleton Street Suite 201
Greenville, SC 29601