

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

Alexander S. Macaulay, Presiding Judge Seventh Judicial Circuit

Appellate Case No.: 2012-213237
Appellate Case No.: 2013-001401
Appellate Case No.: 2013-001403
Appellate Case No.: 2013-01404

Stoneledge At Lake Keowee Owners' Association, Inc., C. Dan Carson, Jeffrey J. Dauler, Joan W. Davenport, Michael Furnari, Donna Furnari, Jessy B. Grasso, Nancy E. Grasso, Robert P. Hayes, Lucy H. Hayes, Ty Hix, Jennifer D. Hix, Paul W. Hund, III, Ruth E. Isaac, Michael D. Plourde, Mary Lou Plourde, Carol C. Pope, Steven B. Taylor, Bettie J. Taylor, and Robert White, Individually, and on behalf of all others similarly situated, Plaintiffs

v.

IMK Development Co., LLC, Keowee Townhouses, LLC, Ludwig Corporation, LLC, SDI Funding, LLC, Medallion at Keowee, LLC, Integrys Keowee Development, LLC, Marick Home Builders, LLC, Bostic Brothers Construction, Inc., Miller/Player & Associates, Bradford D. Seckinger, John Ludwig,, William Cox, Larry D. Lollis, Rick Thoennes, M Group Construction and Development, LLC, Mel Morris, Joe Bostic, Jeff Bostic, Clear View Construction, Michael Franz, MHC Contractors, Miguel Porras Choncoas, Builders FirstSource Southeast Group, Mike Green, Southern Concrete Specialties, Carl Compton d/b/a Compton Enterprize a/k/a Compton Enterprises, Gunter Heating & Air, All Pro Heating, A/C & Refrigeration, LLC, Coleman Waterproofing, Heyward Electrical Services, Inc., Tinsley Electrical, LLC, Hutch N Son Construction, Inc., Upstate Utilities, Inc., Southern Basement, Inc., Carl Catoe Construction, Inc., T.G. Construction, LLC, Delfino Construction, Francisco Javier Zarate d/b/a Zarate Construction, Alejandro Avalos Cruz, Herberito Acros Hernandez, Martin Hernandez-Aviles, Francisco Villalobos Lopez, Ambrosio Martinez-Ramirez, Ester Moran Mentado, Socorro Castillo Montel, Upstate Utilities, Inc., MJG Construction and Homebuilders, Inc. d/b/a MJG Construction, KMAC of the Carolinas, Inc., Eufacio Garcia, Everado Jaramillo, Garcia Parra Insulation, Inc., J&J Construction, Jose Nino, Jose Manuel Garcia, Eason Construction, Inc., and Vincent Morales d/b/a Morales Masonry, and Miller/Player & Associates, Defendants,

Of Whom Marick Home Builders, LLC and Rick Thoennes are the Appellants.

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JUL 26 2013

SC Court of Appeals

Ronald G. Tate, Jr, Esquire
Lindsay L. Builder, Esquire
David A. Root, Esquire

Dana W. Lang, Esquire
Mason A. Goldsmith, Esquire

And

Of Whom Hutch N Son Construction, Inc., and Upstate Utilities, Inc. are the Respondents.

MOTION TO CONSOLIDATE

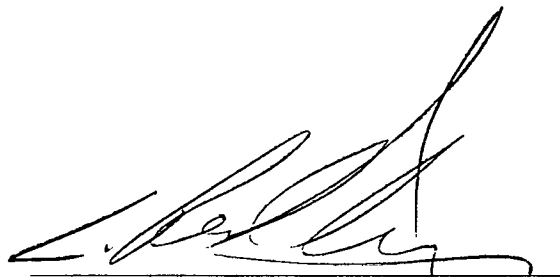
Pursuant to South Carolina Appellate Rule 214, Appellate moves the Court for consolidation of all appeals in this case as they all include the same question of law in the same case but are appeals from separate orders regarding separate parties. The Appeals to be consolidated are as follows:

Appellate Case No. 2012-213237

Appellate Case No.: 2013-001401

Appellate Case No.: 2013-001403

Appellate Case No.:2013-001404



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July 24, 2013

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v.

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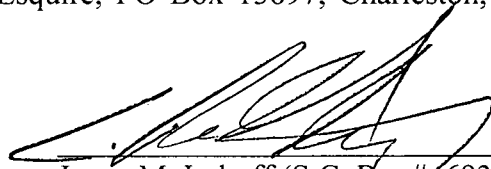
Of Whom Marick Home Builders, LLC and Rick Thoennes are the Appellants,

And

Of Whom Hutch N Son Construction, Inc., and Upstate Utilities, Inc. are the Respondents.

PROOF OF SERVICE

I certify that I have served the Return to Motion to Strike by depositing a copy of it in the United States Mail, First Class postage prepaid, on July 24, 2013, addressed to Respondents' attorneys of record, Shelley S. Montague, Esquire, P.O. Box 7368 Columbia, SC 29202 (attorney for Hutch N Son Construction, Inc.), S. Markey Stubbs, Esquire P.O. Box 8057 Columbia, SC 29202 (attorney for Upstate Utilities, Inc.), Ronald G. Tate, Jr., Esquire, PO Box 10589, Greenville, SC 29603 (attorney for Carl Catoe Construction, Inc.), Dana W. Lang, Esquire, PO Box 999, Charleston, SC, 29402 (attorney for Carl Catoe Construction, Inc.), K. Lindsay Terrell, Esquire, 1164 Woodruff Road, Greenville, SC, 29607 (attorneys for TG Construction, LLC), D. Andrew Williams, Esquire, PO Box 1473, Columbia, SC 29202 (attorneys for Martin Hernandez-Aviles), Steven P. Hughes, Esquire, PO Box 40, Beaufort, SC 29901 (attorneys for Ester Moran Mentado), Elizabeth Martineau, PO Box 31188, Charlotte, NC 28231 (attorneys for Herberito Acros Hernandez), Finley B. Clarke, Esquire, PO Box 1865, Florence, SC 29503 (attorneys for Francisco Javier Zarate d/b/a Zarate Construction, Paul E. Hammack, Esquire, 223 West Stone Avenue, Suite 100, Greenville, SC, 29609 (attorney for Alejandro Avalos Cruz), Christopher G. Lewis, Esquire 22 South Park Square, Suite 800, Asheville, NC, 28801 (attorneys for Francisco Villalobos Lopez), Geoffrey Gibbon, Esquire, PO Box 2980, Greenville, SC, 29602 (attorneys for Socorro Castillo Montel), Lindsay L. Builder, Esquire, 127 Dunbar Street, Suite 200 Spartanburg, SC 29306 (attorney for Clear View Construction, LLC and Michael Franz), Mason A. Goldsmith, Esquire, PO Box 1887, Greenville, SC, 29602 (attorney for Southern Concrete Specialties), David A. Root, Esquire, PO Box 13897, Charleston, SC, 29422 (attorney for Builders FirstSource)



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July 24, 2013

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

**Re: Stoneledge at Lake Keowee Owners' Association, Inc., et al. vs. IMK
Development Co., LLC, et al. vs. Michael Franz, et al.**

Appellate Case No.: 2012-213237

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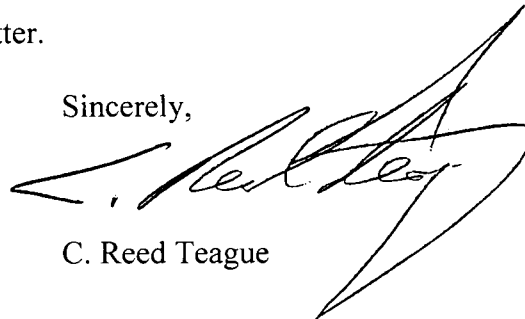
Appellate Case No.: 2013-001404

Dear Ms. Kitchings,

Please find enclosed an original and copy of Appellate Marick Home Builders, LLC and Rick Thoennes' Motion to Consolidate the above referenced appeal cases. By a copy hereof, I am serving the same upon the Respondents' counsel. If you need anything further, please let me know.

Thank you for your assistance in this matter.

Sincerely,



C. Reed Teague

CRT/ads
Enclosure

cc: Shelley S. Montague, Esquire
Geoffrey Gibbon, Esquire
K. Lindsay Terrell, Esquire
Steven P. Hughes, Esquire
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