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S.C. SUPREME COURT

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January 4, 2024

VIA EMAIL ONLY

Patricia A. Howard
Clerk of Court
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211
suptfilings@sccourts.org

Re: Andrew and Kimberly McIntire v. Sequest Dev. Co., Inc., et al.
Civil Action No.: 2023-CP-14-00092
Appellate Case No.: 2023-001643

Dear Patricia:

I am writing to clear up confusion that may have resulted from my Notice of Appearance filed December 18, 2023 in this matter. I am concurrently filing an Amended Notice of Appearance more accurately describing my representation as applying only to the *remaining* Respondents.

Also, due to the multiplicity of parties and some recent settlements that have not yet raised to the Court's attention, I would like to provide my understanding of which respondents remain in this appeal.

Two appeals were taken from Judge McCoy's Order Denying Plaintiffs' and Sequest Development Company, Inc.'s Joint Motion for Clarification that was filed on August 23, 2021. The Plaintiffs Andrew and Kimberly McIntire (hereinafter "McIntires") filed their Notice of Appeal on September 20, 2021. Sequest Development Co., Inc. (hereinafter "Sequest") filed its appeal on September 22, 2021.

Both appeals listed all direct defendants as respondents. Sequest's appeal also named the third-party defendants as respondents.

Thus, the respondents named in the appeals are:

- Red Bay Constructors Corp.;
- Benzenberg Custom Cabinets, Inc.;
- Jonathan Marshall Construction;
- Coastal Window & Door Center of Charleston, LLC;

- Carolina Window & Millwork, LLC n/k/a Carolina Window & Millwork-Omni Glass Industries, LLC;
- Southcoast Exteriors, Inc.;
- Michael Casteen d/b/a Casteen Custom Cabinets;
- Quality Cedar Products, Inc. of Michigan d/b/a Michigan Prestain Co.;
- Coastal Plumbing & Gas, LLC;
- Foam Insulation Co. Inc.;
- Jerry Comer d/b/a Jerry's Tile & Marble, LLC;
- Lowcountry Fireplaces, Inc.;
- Carolina Pest Solutions, Inc.;
- New South Construction Supply, LLC;
- Architectural Products of Charleston, LLC; and
- Sealtight of South Carolina, LLC

Of these, several never appeared before the trial court. These include Coastal Window & Door Center of Charleston, LLC; Carolina Window & Millwork, LLC n/k/a Carolina Window & Millwork-Omni Glass Industries, LLC; Michael Casteen d/b/a Casteen Custom Cabinets; Quality Cedar Products, Inc. of Michigan d/b/a Michigan Prestain Co.; and Architectural Products of Charleston, LLC. To my knowledge, none of these parties filed anything on appeal.

The following parties filed joint briefs as respondents in the Court of Appeals:

- Red Bay Constructors Corp.;
- Benzenberg Custom Cabinets, Inc.;
- Jonathan Marshall Construction;
- Southcoast Exteriors, Inc.;
- Coastal Plumbing & Gas, LLC;
- Foam Insulation Co. Inc.;
- Jerry Comer d/b/a Jerry's Tile & Marble, LLC;
- Lowcountry Fireplaces, Inc.;
- Carolina Pest Solutions, Inc.;
- New South Construction Supply, LLC; and
- Sealtight of South Carolina, LLC

Sequest represents that it reached a settlement with the McIntires and took an assignment of the McIntires' claims. Also, a Partial Stipulation of Dismissal was filed in the trial court on

September 6, 2023 that dismissed with prejudice all claims against Jonathan Marshall Construction and Carolina Pest Solutions, Inc.

Since that time, the undersigned is informed and believes that the following parties have settled with Sequest: Benzenberg Custom Cabinets, Inc.; New South Construction Supply, LLC; and Foam Insulation Co. Inc.

After New South Construction Supply, LLC settled out, the following respondents retained the undersigned as appellate counsel:

- Red Bay Constructors Corp.;
- Southcoast Exteriors, Inc.;
- Coastal Plumbing & Gas, LLC;
- Jerry Comer d/b/a Jerry's Tile & Marble, LLC;
- Lowcountry Fireplaces, Inc.; and
- Sealtight of South Carolina, LLC

These respondents all filed a joint Return to Petition for Certiorari on December 18, 2023. To my knowledge, there are no other parties remaining in this appeal. I did not replace counsel of record for any of these respondents—I was merely associated as appellate counsel. I do not represent any parties other than the remaining six respondents (excepting New South Construction Supply, which has settled out).

Hopefully, this provides adequate clarification as to the current parties and their representation. I apologize for any confusion my general appearance for respondents may have caused.

Sincerely,

s/Timothy J. Newton

Timothy J. Newton

TJN/