

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

RECEIVED

JUL 31 2013

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

SC Court of Appeals

Alexander S. Macaulay, Presiding Judge Seventh Judicial Circuit

Appellate Case No. 2012-213237

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, Intergrys 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 Enterprise d/b/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 Basements, Inc., Carl Catoe Construction, Inc., T.G. Construction, LLC, Delfino Construction, Francisco Jaview Zarate d/b/a Zarate Construction, Alejandro Avalos Cruz, Herberito Acros Hernandez, Martin Hernandez-Aviles, Francisco Villalobox 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 Jarmamillo, 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 ThoennesAppellants,

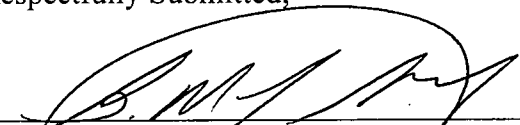
And

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

**UPSTATE UTILITIES, INC.'S RETURN TO
MOTION FOR CONSOLIDATION**

In this action Appellant has filed to consolidate this action with other appeals. Rule 214 SCACR provides that consolidation is appropriate where there is more than one Appeal from the same Order. In this action, there were separate orders issued following separate hearings. Rule 214 SCACR further provides that consolidation is at the Court's discretion and can arise when the same question is involved in two or more appeals in different cases. The appeals referenced by Appellant appear to be all appeals arising out of this action by separate parties, not separate cases. The Appellant has asserted "they all include the same question of law." The "question of law" is not set forth in the motion. The cases would each rise and fall based upon what was presented during the arguments at their hearing and would vary depending on what contracts existed, if contracts existed, and the language of such contracts. In accordance with South Carolina Appellate Rule 240(c)(3) SCACR, no supporting documentation has been filed. While the Court is free to consolidate an action at its discretion, this Motion fails to properly support a grounds for support of the same.

Respectfully Submitted,



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Attorneys for Respondent Upstate Utilities, Inc.

July 30, 2013
Columbia, SC

APPELLANT'S COUNSEL OF RECORD:

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RESPONDENT HUTCHINSON'S
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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, Catherine M. Gwyn, of Baker, Ravenel & Bender, attorneys for Respondent Upstate Utilities, Inc., do hereby certify that I have this 31th day of July 2013 served all counsel of record with copies of **Upstate Utilities, Inc.'s Reply to Appellant's Motion for Consolidation** by mailing said copies by United States Mail, first class postage pre-paid, to said counsel at the following addresses:

APPELLANT'S COUNSEL OF RECORD:

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C. Reed Teague
The Ward Law Firm, P.A.
Post Office Box 5663
Spartanburg, South Carolina 29304-3188
Attorneys for Appellate

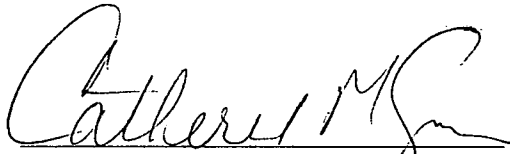
CO-RESPONDENT'S COUNSEL OF RECORD

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July 31, 2013

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⁴PATRICK D. QUINN

WILSON P. DAVIS

CHARLES E. BAKER
(1935-2010)

¹OF COUNSEL

²ALSO ADMITTED IN GEORGIA

³ALSO ADMITTED IN VIRGINIA

July 31, 2013

Via Hand Delivery:

The Honorable Jenny Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

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SC Court of Appeals

RE: Stoneledge at Lake Keowee Owners' Association, et al v.
IMK, et al.
Appellate Case No. 2012-213237
Our File No.: 7603.336

Dear Ms. Kitchings:

Please find enclosed for filing an original and seven (7) copies of Upstate Utilities, Inc.'s Return to Appellant's Motion for Consolidation. Please return a stamped copy to me via the courier delivering same.

By copy hereof, I am serving the same upon counsel for Appellant and Respondent Hutch N Son Construction, Inc.

Your assistance in this matter is greatly appreciated.

Yours truly,

S. Markey Stubbs

Enclosures

cc: Jason M. Imhoff, Esquire (w/enclosure)
Shelley S. Montague, Esquire (w/enclosure)