

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
Case No. 2013-000327; 2013-001248

69167

---

APPEAL FROM YORK COUNTY  
Court of Common Pleas

Hon. John C. Hayes, III  
Presiding Circuit Court Judge

---

Consolidated case no. 2010-CP-46-2326

---

Juontonio Pinckney, et al. ....Appellants,

v.

Epcon Communities, Inc.,  
Epcon Communities Franchising, Inc.,  
Brock L. Fankhauser, Fankhauser Property Group, Inc.,  
Stonecrest Villas of Tega Cay, LLC,  
AndStonecrest Villas of Tega Cay Owners'  
Association, Inc. .... Respondents

---

**RESPONDENT'S MOTION TO FILE  
SEPARATE BRIEFS ON JANUARY 23, 2013 AND APRIL 5, 2013 ORDERS**

Brett Dressler  
301 S. McDowell Street, Suite 410  
Charlotte, North Carolina 28204  
Telephone: 704.377.5050  
Facsimile: 704.927.2868  
Attorney for Respondent-Cross-Appellant

**RECEIVED**

JUL 22 2013

**SC Court of Appeals**

Respondent/Cross-Appellant, Stonecrest Villas of Tega Cay Owners' Association, Inc., pursuant to Rule 208 of the South Carolina Appellate Court Rules, hereby files this Motion to File Separate Briefs Relating to the January 23, 2013 and April 5, 2013 Orders. In support of this Motion, Respondent asserts that the briefing of the orders in separate briefs is appropriate given the separate issues and different counsel representing Respondent on the respective orders.

The Lower Court Order dated January 23, 2013 solely relates to the Respondent's October 12, 2012 Motion for Summary Judgment asking the Lower Court to dismiss all parties' claims for damages to the common-elements due to the settlement. This is a narrow issue relating to the rights of the parties to collect damages related to the common elements of the condominium, which is a legal question for the Court. Respondent was represented by the undersigned, who is privately retained counsel.

Conversely, the Lower Court Order dated April 5, 2013 involves the dismissal of all of Appellants' claims against the Respondent, which are based on various legal theories. The two rulings were independent and based on different evidence before the Court, including but not limited to, breach of fiduciary duty, breach of contract, breach of contract accompanied by fraudulent acts, fraud and misrepresentation, accounting, conversion, civil conspiracy, breach of express warranties and unfair trade practices. Further, Respondent is represented by Curtis W. Dowling, Esq. and the firm of Barnes Alford Stork & Johnson, L.L.P in connection with this order.

Finally, Respondent asserts that separate briefs will not increase the burden on the Court, but instead, it will aid in the understanding of the two appeals before it. Respondent's briefs will rely on separate facts and evidence and will have little if any overlap in content. Accordingly, Respondent requests that the undersigned counsel be permitted to file a brief solely on the issues relating to the January 23, 2013 Order granting summary judgment relating to Respondent's settlement of the common area damage claims.

Respectfully submitted,



---

Brett Dressler  
State Bar Number 77650  
301 S. McDowell Street, Suite 410  
Charlotte, North Carolina 28204  
Telephone: 704.377.5050  
Facsimile: 704.927.2868  
Attorney for Respondent

July 17, 2013

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
Case No. 2013-000327

---

APPEAL FROM YORK COUNTY  
Court of Common Pleas

Hon. John C. Hayes, III  
Presiding Circuit Court Judge

---

Consolidated case no. 2010-CP-46-2326

---

Juontonio Pinckney, et al. ....Appellants,

v.


Epcon Communities, Inc., Epcon Communities Franchising, Inc.,  
Brock L. Fankhauser, Fankhauser Property Group, Inc.,  
Stonecrest Villas of Tega Cay, LLC, and  
Stonecrest Villas of Tega Cay Owners' Association, Inc. ....Respondent

---

PROOF OF SERVICE

---

I certify that I have served the foregoing **RESPONDENT'S MOTION TO FILE SEPARATE BRIEFS ON JANUARY 23, 2013 AND APRIL 5, 2013 ORDERS** on counsel for Appellants Juontonio Pinckney, et al, J. Cameron Halford, Halford Niemiec & Freeman, L.L.P., 238 Rockmont Drive, Fort Mill, South Carolina 29708, by depositing a copy in the U.S. Mail, postage prepaid, on July 17, 2013 with all other parties served by U.S. Mail.



---

Brett Dressler  
State Bar Number 77650  
301 S. McDowell Street, Suite 410  
Charlotte, North Carolina 28204  
Telephone: 704.377.5050  
Facsimile: 704.927.2868  
Attorney for Respondent

July 17, 2013

**RECEIVED**

JUL 22 2013

**SC Court of Appeals**

Other Counsel of Record Served:

(Via U.S. Mail)

Curtis W. Dowling, Esquire  
Barnes Alford Stork & Johnson, L.L.P.  
Post Office Box 8448  
Columbia, South Carolina 29202  
*Attorney for Stonecrest Villas of Tega Cay Owners' Association, Inc.*

(Via U.S. Mail)

Graham P. Powell, Esquire  
Wall, Templeton & Haldrop, P.A.  
145 King Street, Suite 300  
Charleston, South Carolina 29401  
*Attorney for Brock L. Fankhauser, Fankhauser Property Group, Inc. and Stonecrest Villas of Tega Cay, L.L.C.*

(Via U.S. Mail)

Mike Wilkes, Esquire  
J. Derham Cole, Esquire  
Wilkes Law Firm, P.A.  
127 Dunbar Street, Suite 200  
Spartanburg, South Carolina 29306  
*Attorneys for Epcon Communities, Inc. and Epcon Communities Franchising, Inc.*

(Via U.S. Mail)

Bradford W. Cranshaw, Esquire  
Grier, Cox & Cranshaw, LLC  
Post Office Box 2823  
Columbia, South Carolina 29202-2823  
*Attorney for Epcon Communities, Inc. and Epcon Communities Franchising, Inc.*

# SELLERS, HINSHAW, AYERS, DORTCH & LYONS, P.A.

ATTORNEYS AT LAW  
SUITE 410 CAMERON-BROWN BUILDING  
301 SOUTH McDOWELL STREET  
CHARLOTTE, NORTH CAROLINA 28204-2686

CHRISTINA F. ACKERMAN  
JOHN F. AYERS III  
ROBERT C. DORTCH, JR.  
BRETT E. DRESSLER †††‡  
MARK D. GOTT ††  
G. EDWARD HINSHAW, JR.  
T. PATRICK JENKINS  
CHARLES E. LYONS II \*  
MICHELLE PRICE MASSINGALE \*\*‡  
TIMOTHY G. SELLERS \*  
DAVID H. SIMPKINS\*  
ROBERT A. WHITLOW †‡

TELEPHONE  
(704) 377-5050

FACSIMILE  
(704) 927-2868

WRITER'S EMAIL  
BDressler@sellershinshaw.com

\* Also Admitted in South Carolina  
\*\* Also Admitted in West Virginia  
† Also Admitted in Georgia  
†† Also Admitted in Alabama  
††† Also Admitted in Texas  
‡ Certified Mediator

July 17, 2013

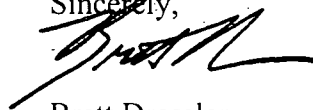
Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RE: *Juontonio Pinckney, et al. v Brock L. Fankhauser, et al.***  
***Consolidated Case No.: 2010-CP-46-2326***

Dear Ms. Kitchings:

Please find enclosed originals and seven copies of Respondent's Motion to file Separate Briefs on January 23, 2013 and April 5, 2013 Orders in the above matter. Please file the originals and return a file-stamped copy to me in the enclosed envelope. By copy of this letter, I am serving all counsel of record with the same. Thank you.

Sincerely,



Brett Dressler

BED/mb

Enclosures

cc: J. Cameron Halford, Esquire  
Curtis W. Dowling, Esquire  
Graham P. Powell, Esquire  
Mike Wilkes, Esquire  
J. Derham Cole, Esquire  
Bradford W. Cranshaw, Esquire

RECEIVED

JUL 22 2013

SC Court of Appeals