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Sep 16 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Retired Judge J. C. Nicholson, Jr.
Court Appointed Special Referee

CASE NO. 2018-CP-10-00330
APPELLATE CASE NO: 2024-001282

Fenwick Commons Homeowners Association, Inc.,

Plaintiff,

v.

Portrait Homes – South Carolina, LLC, Portrait Homes – Fenwick Commons, LLC, D.R. Horton, Inc., Samuel Glover d/b/a Glover’s Brickworks, Inc., JJA Construction, Inc. d/b/a JJA Framing, JJA Construction, Inc. d/b/a JJA Framing Company, Jose Castillo d/b/a JJA Framing, Jose Castillo d/b/a JJA Framing Company, International Construction Services, Inc., International Construction Services, Inc., d/b/a International Construction, United Siding Specialists, Inc., Old Charleston Builders, LLC, Heritage Construction Consultants, Inc., Robert H. Yarnall d/b/a Heritage Construction Consultants, Inc., PNL Construction, LLC, Clear Choice Group, LLC, Built Right Construction, LLC, Alfonso Villavicencio d/b/a Alfonso’s Painting, Alfonso Painting & Drywall, Inc., Diria Tawi Painting, Inc., Juan Luis Sanchez d/b/a Sanchez Brothers Painting, Sanchez Brothers Painting, Inc., Windward Shutters, LLC d/b/a Windward Hurricane Shutters, LLC, 84 Lumber Company, Builders Firstsource – Southeast Group, LLC, Americo Roofing Concepts, Inc., f/k/a Americo Roofing Concepts Enterprises, Inc., Americo Roofing Concepts, Inc. f/k/a American Roofing Concepts, Archer Exteriors, Inc., Professional Exteriors, LLC, Luciano Dias Gomes d/b/a Prestige Home Construction, Geraldo Da Cunha, Pablo Rojas Franco, Charles Gunter, Henry A. Palmer, Julio C. Crespo, Brasilican Contracting, LLC, Charles Bowser d/b/a CWB Services, Levi Arruda, Jose Geraldo Dos Reis, Leandro De Paulo Araujo, Helio A. De Rezende, Vinicius Araujo De Freitas a/k/a Vinicius Araujo, Robert M. Hughes d/b/a Robert’s Vinyl Siding, Lucas Rodriguez Barcelos a/k/a Lucas Rodriguez Barcelos, Karla Bezerra, Rodrigo B. Vasoncelos, Rondinely G. Da Silva, W & M Vinyl Siding, LLC, Bar Contractors, Inc., William Construction Services, LLC, Donald Lee d/b/a Vinyl Siding Specialists, Defendants,

of which Professional Exteriors, LLC is a Respondent,

AND

Archer Exteriors, Inc., Third-Party Plaintiff,

v.

Henry A. Palmer, Third Party Defendant,

AND

International Construction Services, Inc. and International Construction Services, Inc. d/b/a International Construction, Third-Party Plaintiff,

v.

Bar Contractor, Inc. and William Construction Services LLC, Third-Party Defendant,

AND

D.R. Horton, Inc., Appellant,

v.

Stier Supply Company, Inc., American Builders and Contractors Supply Co., Inc. d/b/a ABC Supply Co. Inc., Professional Drywall and Paint Services, LLC, and Lou Pontigo and Associates, Inc., Third-Party Defendants,

of which Alfonso Villavicencio d/b/a Alfonso's Painting, and Alfonso Painting & Drywall, Inc. are Respondents.

VOLUNTARY DISMISSAL OF APPEALS

The Appellant D. R. Horton, Inc. hereby dismisses its two appeals in this consolidated appellate case. Notice of Appeal against Professional Exteriors, LLC as Respondent was filed on August 5, 2024, followed by Amended Notice of Appeal on August 9, 2024. Notice of Appeal against Alfonso Villavicencio d/b/a Alfonso's Painting and Alfonso Painting & Drywall, Inc. was also filed on August 5, 2024, followed by Amended Notice of Appeal on August 9, 2024. The appeal is being dismissed because the Appellant has settled with both Respondents.

September 16, 2024

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Other Counsel of Record:

WE CONSENT.

s/Drew Hamilton Butler

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WE CONSENT.

s/Shanna M. Stephens

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Kay Kelly <kay@carlmullerlaw.com>

Voluntary Dismissal Appealate Case No. 2024-001282 / Case No. 2018-CP-10-00330

Shanna Stephens <sstephens@rslawsc.com>

To: Kay Kelly <kay@carlmullerlaw.com>, Lisa Reynolds <lreynolds@rslawsc.com>

Thu, Aug 15, 2024 at 4:33 PM

Cc: Danielle Wegener <dwegener@rslawsc.com>, John Crawford <crawford@conlaw.com>, "imhoff@conlaw.com" <imhoff@conlaw.com>

Lisa is not involved in this case; it's mine. I, of course, consent. Thanks.

Shanna M. Stephens

Member

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Kay Kelly <kay@carlmullerlaw.com>

Case No: 2024-001282

Drew Butler <DButler@richardsonplowden.com>

To: Ashley Murrell <amurrell@richardsonplowden.com>, James Haarsgaard <JHaarsgaard@richardsonplowden.com>

Cc: Jill Lindsey <JLindsey@richardsonplowden.com>, "kay@carlmullerlaw.com" <kay@carlmullerlaw.com>

Mon, Sep 16, 2024 at 12:01 PM

Kay: We consent to the dismissal of the appeal. Please sign for us.

Drew

From: Ashley Murrell <amurrell@richardsonplowden.com>

Sent: Monday, September 16, 2024 11:54 AM

To: Drew Butler <DButler@RichardsonPlowden.com>; James Haarsgaard <JHaarsgaard@RichardsonPlowden.com>

Cc: Jill Lindsey <JLindsey@RichardsonPlowden.com>

Subject: Fw: Case No: 2024-001282

Good morning, Drew and James,

Hope you both are well! See below from Kay Kelly.

Let me know if you need anything from me.

Ash

[Quoted text hidden]

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of which Professional Exteriors, LLC is a Respondent,

AND

Archer Exteriors, Inc., Third-Party Plaintiff,

v.

Henry A. Palmer, Third Party Defendant,

AND

International Construction Services, Inc. and International Construction Services, Inc. d/b/a International Construction, Third-Party Plaintiff,

v.

Bar Contractor, Inc. and William Construction Services LLC, Third-Party Defendant,

AND

D.R. Horton, Inc., Appellant,

v.

Stier Supply Company, Inc., American Builders and Contractors Supply Co., Inc. d/b/a ABC Supply Co. Inc., Professional Drywall and Paint Services, LLC, and Lou Pontigo and Associates, Inc., Third-Party Defendants,

of which Alfonso Villavicencio d/b/a Alfonso's Painting, and Alfonso Painting & Drywall, Inc. are Respondents.

PROOF OF SERVICE

The undersigned does hereby certify that on September 16, 2024, a copy of the Voluntary Dismissal of Appeals was served by email on all counsel of record by copy of this email and filed by electronic mail with the Clerk of Court for the South Carolina Court of Appeals.

Other Counsel of Record:

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