

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Charleston County
Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge

Case No. 2010-CP-10-9672

Hayden Jeffords, individually, and on behalf of All Others Similarly Situated, Titus Gudel, Harold S. McEwan, D. Everett Walker, Paul Kane, Jeanne Debosh, Margarita Staudt, Leslie Anne O'Neal, Trivette C. Hatcher, William Scanlon, Delia Scanlon, Christy C. Parish, Joseph LaDue, Deborah LaDue, Pamela Snyder, Steven Goldberg, Brent McClaine, Brian Rasmussen, McKenzie Hutaff, Brian Kavanagh, Lynn Harris, and Kenneth A. Brown, Plaintiffs,

Of Whom William Scanlon, Delia Scanlon, Steven Goldberg, Brent McClaine, and Lynn Harris are the Secondary Appellants,

and

Of Whom John Zohlen, Mary Zohlen, Leslie Anne O'Neal, and Trivette C. Hatcher are the Respondents,

v.

East Bridge Town Lofts, LLC, a/k/a East Bridge, LLC, a/k/a East Ridge Homes, LLC, a/k/a East Bridge Lofts, LLC; Central 3, LLC; Creekstone East Bridge, LLC; Creekstone SC I, LLC; Alexandra Road Investors, LLC; Creekstone Management, LLC; Creekstone Management, Inc.; Donald K. Henry; Everett Jackson; Steve Keller; Edward Michael Washburn; Kevin Ball; East Coast Carpentry a/k/a ECC Contracting, LLC; Fuller Drywall & Paint, Ltd.; Delta Mechanical, Inc. a/k/a Carolina Delta Mechanical; Wasson Electric Heating & Air; Bay Club Homes, LLC; Terracon Consultants, Inc.; and Salvador Rubalcaba d/b/a Rubalcaba Construction, Defendants,

Of Whom East Bridge Town Lofts, LLC, a/k/a East Bridge, LLC, a/k/a East Ridge Homes, LLC, a/k/a East Bridge Lofts, LLC; Central 3, LLC; Creekstone East Bridge, LLC; Creekstone SC I, LLC; Alexandra Road Investors, LLC; Creekstone Management, LLC; Creekstone Management, Inc.; Donald K. Henry; Everett Jackson; Steve Keller; Edward Michael Washburn; and Kevin Ball are the Primary Appellants,

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SC Court of Appeals

v.

East Bridge Lofts, LLC; Central 3, LLC; Creekstone Eastbridge, LLC; and Creekstone SC I, LLC; Alexandra Road Investors, LLC; Creekstone Management, LLC; Donald K. Henry; Everett Jackson; Steve Keller; Edward Michael Washburn; Kevin Ball; and Bay Club Homes, LLC, Third-Party Plaintiffs,

v.

Robert Wasson and Barbara Wasson, individually and d/b/a Wasson Electric Heating & Air; and Charleston Chimney Services, Inc., Third-Party Defendants.

RESPONDENTS' PROPOSED APPELLATE CAPTION

YOUNG CLEMENT RIVERS, LLP
Edward D. Buckley, Jr.
Russell G. Hines
P.O. Box 993
Charleston, SC 29402
(843) 577-4000

-and-

JUSTIN O'TOOLE LUCEY, P.A.
Justin O'Toole Lucey
Joshua F. Evans
P.O. Box 806
Mount Pleasant, SC 29465
(843) 849-8400

*Attorneys for Respondents John Zohlen,
Mary Zohlen, Leslie Anne O'Neal, and
Trivette C. Hatcher*

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Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By: 

Edward D. Buckley, Jr.
Russell G. Hines
25 Calhoun Street, Suite 400
Charleston, SC 29401
(843) 577-4000

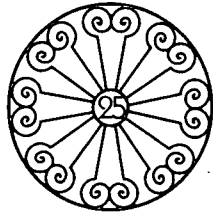
-and-

JUSTIN O'TOOLE LUCEY, P.A.
Justin O'Toole Lucey
Joshua F. Evans
P.O. Box 806
Mount Pleasant, SC 29465
(843) 849-8400

*Attorneys for Respondents John Zohlen,
Mary Zohlen, Leslie Anne O'Neal, and
Trivette C. Hatcher*

Charleston, South Carolina

Dated: 8/19/13



YCR LAW
Young Clement Rivers, LLP

Russell G. Hines
Associate

Direct Dial: (843) 720-5488
Direct Fax: (843) 579-1327
E-mail: RHines@ycrlaw.com

August 19, 2013

VIA U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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AUG 21 2013
SC Court of Appeals

Re: Hayden Jeffords et al. vs. East Bridge Town Lofts et al.
Circuit Case No.: 2010-CP-10-9672
Appellate Case No.: 2012-213351
YCR File No.: 14096-20090424

Dear Ms. Kitchings:

By letter dated August 9, 2013, the Court asked to be provided with a proposed appellate caption for the above-referenced matter. Enclosed for filing please find the original and seven (7) copies of the **Respondents' Proposed Appellate Caption** along with a **Proof of Service** for the same.

As instructed by the Court's August 9, 2013 letter, this proposed caption omits the following parties dismissed by the Court's July 2, 2013 Order from the list of parties identified as Secondary Appellants: Hayden Jeffords, D. Everett Walker, Paul Kane, Jeanne Debosh, Margarita Staudt, Christy C. Parish, Joseph LaDue, Deborah LaDue, Pamela Snyder, Brian Rasmussen, and Brian Kavanagh.

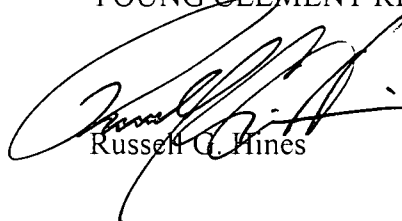
Also, while not expressly directed to do so in the Court's August 9, 2013 letter, in their proposed appellate caption, the Respondents have omitted the following additional parties from the list of parties identified as Secondary Appellants: Titus Gudel, Harold S. McEwan, McKenzie Hutaff, and Kenneth A. Brown. With respect to Gudel, on May 20, 2013, counsel for the Secondary Appellants filed a motion to dismiss him, advising that Gudel no longer wished to pursue the appeal. With respect to McEwan, Hutaff, and Brown, on July 31, 2013, the Respondents moved to dismiss them from the appeal citing their lack of interest in the property that is the subject of the litigation. Although, to the best of the Respondents' knowledge, neither of these motions has been ruled upon at this time, the Respondents' respectfully submit that, because both motions were unopposed, in anticipation of these parties being dismissed from the appeal, it is appropriate that they not be identified as Secondary Appellants in the appellate caption going forward.

Of course, should the Court have any questions or concerns or need anything further from the Respondents in this regard, please let me know.

With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP



Russell G. Hines

RGH/jla

cc: (all below via U.S. Mail)

Justin O'Toole Lucey, Esquire, Justin O'Toole Lucey, P.A.
Joshua F. Evans, Esquire, Justin O'Toole Lucey, P.A.
Robert T. Lyles, Jr., Esquire, Lyles & Lyles, LLC
Jason A. Pittman, Esquire, Lyles & Lyles, LLC
John C. Hayes, IV, Esquire, Hayes Law Firm, LLC
Mary-Margaret S. Fitzhenry, Esquire, Hayes Law Firm, LLC
I. Keith McCarty, Esquire, McCarty Law Firm, LLC
Michael S. Seekings, Esquire, Leath Bouch & Seekings, LLP
Preston B. Dawkins, Jr., Esquire, Aiken Bridges
James A. Atkins, Esquire, Clawson & Staubes, LLC
Christy E. Mahon, Esquire, Sweeny, Wingate & Barrow, P.A.
J. Patrick Norris, Esquire, Carlock, Copeland & Stair, LLP
William M. O'Neil, Esquire, Hood Law Firm, LLC
J. Blanton O'Neal, Esquire, Hood Law Firm, LLC
Kent T. Stair, Esquire, Carlock, Copeland & Stair, LLP

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Of Whom Titus Gudel, Harold S. McEwan, William Scanlon, Delia Scanlon, Steven Goldberg, Brent McClaine, McKenzie Hutaff, Lynn Harris, and Kenneth A. Brown are the Secondary Appellants,

and

Of Whom John Zohlen, Mary Zohlen, Leslie Anne O'Neal, and Trivette C. Hatcher are the Respondents.

v.

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Of Whom East Bridge Town Lofts, LLC, a/k/a East Bridge, LLC, a/k/a East Ridge Homes, LLC, a/k/a East Bridge Lofts, LLC; Central 3, LLC; Creekstone East Bridge, LLC; Creekstone SC I, LLC; Alexandra Road Investors, LLC; Creekstone Management, LLC; Creekstone Management, Inc.; Donald K. Henry; Everett Jackson; Steve Keller; Edward Michael Washburn; and Kevin Ball are the Primary Appellants,

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v.

Robert Wasson and Barbara Wasson, individually and d/b/a Wasson Electric Heating & Air; and Charleston Chimney Services, Inc., Third-Party Defendants.

PROOF OF SERVICE

YOUNG CLEMENT RIVERS, LLP
Edward D. Buckley, Jr.
Russell G. Hines
P.O. Box 993
Charleston, SC 29402
(843) 577-4000

-and-

JUSTIN O'TOOLE LUCEY, P.A.
Justin O'Toole Lucey
Joshua F. Evans
P.O. Box 806
Mount Pleasant, SC 29465
(843) 849-8400

*Attorneys for Respondents John Zohlen,
Mary Zohlen, Leslie Anne O'Neal, and
Trivette C. Hatcher*

I, Russell G. Hines, of Young Clement Rivers, LLP, do hereby certify that a copy of the **Respondents' Proposed Appellate Caption** was sent to all counsel via united states mail, postage pre-paid on August 19, 2013 addressed as follows:

Justin Lucey, Esquire
Joshua F. Evans, Esquire
415 Mill Street
Mount Pleasant, SC 29465

Robert T. Lyles, Esquire
Jason A. Pittman, Esquire
Lyles & Lyles, LLC
342 East Bay Street
Charleston, SC 29401

Christy E. Mahon, Esquire
Sweeny, Wingate & Barrow, P.A.
1515 Lady Street
P.O. Box 12129
Columbia, SC 29201

Kent T. Stair, Esquire
J. Patrick Norris, Esquire
Carlock, Copeland & Stair, LLP
40 Calhoun Street, Suite 400
Charleston, SC 29401

James A. Atkins, Esquire
Clawson & Staubes, LLC
126 Seven Farms Drive, Suite 200
Charleston, SC 29492

J. Blanton O'Neal, Esquire
William M. O'Neil, Esquire
Hood Law Firm, LLC
172 Meeting Street
Charleston, SC 29401

Preston B. Dawkins, Jr., Esquire
Aiken Bridges
181 East Evans Street, Suite 409
Florence, SC 29506

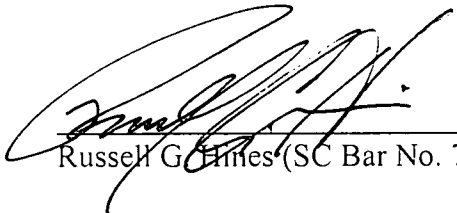
McCarty Law Firm
I. Keith McCarty, Esquire
P.O. Box 30055
Charleston, SC 29417

Leath, Bouch & Seekings, LLP
Michael S. Seekings, Esquire
P.O. Box 59
Charleston, SC 29402

Hayes Law Firm, LLC
John C. Hayes, IV, Esquire
Mary-Margaret Fitzhenry, Esquire
180 Meeting Street Suite 330
Charleston, SC 29401

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP



Russell G. Hines (SC Bar No. 72100)

Charleston, South Carolina

Dated: 8/19/13