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SC Court of Appeals

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Catherine Harrison
Deputy Clerk of Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: Margaret Eberly v. D.R. Horton, Inc.
Appellate Case No: 2022-000469

Dear Ms. Harrison:

The parties are in the final stage of negotiating their Settlement Agreement. That agreement provides that the parties will jointly petition the circuit court to vacate its order of summary judgment. Promptly after that order is vacated the appellant D. R. Horton will file a dismissal with prejudice of all its claims in the case, including the appeal. As a matter of procedure and jurisdiction the Court of Appeals may wish to remand the case to the circuit court after the Settlement Agreement is signed so that the circuit court can vacate its order. Alternatively, the Court of Appeals could vacate the order itself and then dismiss the appeal.

I shall keep you apprised of the progress toward full execution of the Settlement Agreement, which I think should be within the next two weeks.

Very truly yours,



Carl F. Muller
Counsel for Appellant D.R. Horton

CFM/dkk

Cc: Stormy Falin, Court of Appeals
Emily Gifford Lucey, Esquire
Jeffrey A. Ross, Esquire
Phillip Paul Cristaldi, III, Esquire
Jason Michael Imhoff, Esquire
Thomas Elihue Dudley, III, Esquire

Megan Christine White, Esquire
Carmen Vaughn Ganjehsani, Esquire
Scott Harris Winograd, Esquire
John T. Crawford, Esquire

The South Carolina Court of Appeals

Margaret A. Eberly and Barbara J. Pavelik, Plaintiffs,

v.

Advanced Flooring & Design Division of ISI, LLC;
Archer Exteriors, Inc.; Crossroads Enterprises, LLC;
D.R. Horton, Inc.; East Coast Construction Cleanup
Corp.; Hutton's Landscapes, Inc.; Lather Construction
SC, Inc.; Lather Construction, Inc.' Professional Drywall
& Paint Services, LLC; Professional Exteriors II, LLC;
and Valim Construction, LLC, Defendants,

Of which D.R. Horton, Inc. is the Appellant,

And

Hutton's Landscapes, Inc., Lather Construction SC, Inc.,
and Lather Construction, Inc. are the Respondents.

Appellate Case No. 2022-000469

The Honorable Bentley Price
Beaufort County
Trial Court Case No. 2019CP0702629

ORDER

The appellant has notified the Court of the parties working toward a settlement agreement. Accordingly, this appeal is held in abeyance for thirty days. After thirty days the appellant must notify the Court of the status of the settlement, or this appeal will be dismissed.

FOR THE COURT

BY 
CLERK

Columbia, South Carolina

FILED
Jan 08 2025

cc:

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John T. Crawford, Jr., Esquire
Thomas Elihue Dudley, III, Esquire
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