



# The South Carolina Court of Appeals

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December 16, 2014

The Honorable Julie J. Armstrong  
100 Broad St Ste 106  
Charleston SC 29401-2210

## REMITTITUR

Re: Hayden Jeffords v. East Bridge Town Lofts AND Hayden Jeffords v. East  
Bridge Town Lofts  
Lower Court Case No. 2010CP1009672  
Appellate Case No. 2012-213351

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A  
copy of the judgment of this Court is enclosed.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

Enclosure

cc: Robert T. Lyles, Jr., Esquire  
Justin O'Toole Lucey, Esquire

Joshua Fletcher Evans, Esquire  
John Calvin Hayes, IV, Esquire  
Ivon Keith McCarty, Esquire  
Michael S. Seekings, Esquire  
Edward D. Buckley, Jr., Esquire  
Russell Grainger Hines, Esquire  
Peter Demos Protopapas, Esquire  
Fleet Freeman, Esquire

# The South Carolina Court of Appeals

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, Brain Rasmussen, McKenzie Hutaff, Brian Kavanagh, Lynn Harris, and Kenneth A. Brown,

Of Whom 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, 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 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 Rubalcala 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.

v.

East Bridge Lofts, LLC; Central 3, LLC; Creekstone Eastbridge, LLC; 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.

Appellate Case No. 2012-213351

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ORDER

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This is an appeal from an order of the special referee dismissing Secondary Appellants' complaint and denying Primary Appellants' motion to compel arbitration. Secondary Appellants filed a motion to withdraw their appeal pursuant to a settlement agreement with Respondents. This court granted Secondary

Appellants' motion to withdraw and dismissed their appeal. Secondary Appellants have now filed a motion to enforce the "purported settlement agreement," and East Bridge Lofts Property Owners Association, Inc. a/k/a East Bridge Town Lofts Property Owners Association has filed a motion to intervene for the purpose of responding to Secondary Appellants' motion. After careful consideration, we decline to rule on these motions as they are more appropriate for the circuit court.

Additionally, Respondents have filed a motion to dismiss Primary Appellants' appeal, arguing Primary Appellants' appeal is moot because Secondary Appellants have withdrawn their appeal and the circuit court's dismissal of the underlying complaint is final. Although this court requested Primary Appellants to file a reply to Respondents' motion to dismiss, Primary Appellants failed to do so. After careful consideration, this appeal is dismissed as moot. *See Sloan v. Dep't of Transp.*, 379 S.C. 160, 167, 666 S.E.2d 236, 240 (2008) (holding that generally, this court "will not pass on moot and academic questions or make an adjudication where there remains no actual controversy").

  
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FOR THE COURT

Columbia, South Carolina

- cc: Robert T. Lyles, Jr., Esquire  
Justin O'Toole Lucey, Esquire  
Joshua Fletcher Evans, Esquire  
John Calvin Hayes, IV, Esquire  
Ivon Keith McCarty, Esquire  
Michael S. Seekings, Esquire  
Edward D. Buckley, Jr., Esquire  
Russell Grainger Hines, Esquire  
Peter Demos Protopapas, Esquire  
Fleet Freeman, Esquire  
Julie J. Armstrong

**FILED**  
11/7/14