

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

G. Thomas Cooper, Circuit Court Judge

Case No. 2012-CP-40-8512

RECEIVED
JAN 29 2015
SC Court of Appeals

The Gates at Williams-Brice Condominium Association and Katharine Swinson, individually, and on behalf of all others similarly situated ,..... Respondents,

v.

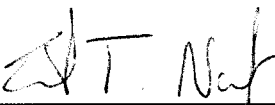
DDC Construction, Inc., DMC Consolidated, Inc., DMC Builders, Co., Inc., individually and d/b/a The Dinerstein Companies, DC Developers - Columbia Condos, Inc., Columbia Condos, LP, DMC Developers I, Ltd., et al.,..... Appellants.

NOTICE OF APPEAL

DDC Construction, Inc.; DMC Consolidated, Inc.; DMC Builders, Co., Inc., individually and improperly identified as d/b/a The Dinerstein Companies; DC Developers - Columbia Condos, Inc.; Columbia Condos, LP; DMC Developers I, Ltd.; Associated Concrete Contractors, Inc.; Bailey Electric Company, LLC; C&B Utilities, LP; Carolina Floor Systems, Inc.; Century Fire Protection, LLC; Cherokee Inc.; Coronado Stucco, LP; Cross Plains Custom Tile, Inc.; Lowry Construction & Framing Inc.; LTB Construction, Inc.; Martin Morales Jr. Painting & Drywall, LLC; Metal Construction Materials, Inc.; Wyman Acoustics LLC; and Highway One Construction, Inc. (hereinafter "Appellants") timely appeal from two orders of the

Honorable G. Thomas Cooper in the above matter: (1) the Order filed July 18, 2014, Denying Dinerstein and OCIP Defendants' Motion for Non-Jury Trial and to Strike Plaintiffs' Class Action Allegations and Jury Trial Demand and (2) the Order Denying Defendants' Motion to Reconsider filed January 22, 2015. Copies of these orders are attached hereto. Appellant received written notice of the entry of the first of these orders on July 21, 2014, and received written notice of the second of these orders on January 28, 2015.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

Howard A. VanDine, III, SC Bar No. 009818

E-Mail: howard.vandine@nelsonmullins.com

Erik T. Norton, SC Bar No. 73860

E-Mail: erik.norton@nelsonmullins.com

A. Mattison Bogan, SC Bar No. 72629

E-Mail: matt.bogan@nelsonmullins.com

1320 Main Street / 17th Floor

Post Office Box 11070 (29211-1070)

Columbia, SC 29201

(803) 799-2000

Attorneys for Appellants.

Columbia, South Carolina.
January 29, 2015.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

G. Thomas Cooper, Circuit Court Judge

Case No. 2012-CP-40-8512

RECEIVED

JAN 29 2015

SC Court of Appeals

The Gates at Williams-Brice Condominium Association
and Katharine Swinson, individually, and on behalf of
all others similarly situated ,.....

Respondents,

v.

DDC Construction, Inc., DMC Consolidated, Inc.,
DMC Builders, Co., Inc., individually and d/b/a The
Dinerstein Companies, DC Developers - Columbia
Condos, Inc., Columbia Condos, LP, DMC Developers
I, Ltd., et al.,.....

Appellants.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins
Riley & Scarborough LLP, attorneys for Appellant, do hereby certify that I have served
all counsel in this action with a copy of the document(s) hereinbelow specified by
mailing a copy of the same by United States Mail, postage prepaid, to the following
address(es):

Document(s): Notice of Appeal

Counsel Served:

Justin O'Toole Lucey, Esq.
Stephanie D. Drawdy, Esq.
Justin O'Toole Lucey, P.A.
415 Mill Street
Mount Pleasant, SC 29464
jlucey@lucey-law.com
sdrawdy@lucey-law.com
(Attorneys for Plaintiffs)

Shelley Sunderman Montague, Esq.
Jessie Waller, Esq.
Gallivan, White & Boyd, PA
P. O. Box 7368
1201 Main Street, Suite 1200
Columbia, SC 29202
smontague@gwblawfirm.com
jwaller@gwblawfirm.com
(Attorneys for AAA Accurate Plumbing)

Emily Gifford, Esq.
1900 Barnwell Street
Columbia, SC 29201
EGifford@RichardsonPlowden.com
(Attorneys for Carolina Floor Systems, Inc.)

Christopher Adams, Esq.
Collins & Lacy, P. C.
1330 Lady Street, 6th Floor
Columbia, SC 29201
cadams@collinsandlacy.com
(Attorneys for HGE Consulting, Inc.)

Paul Greene, Esq.
Gallivan White & Boyd
One Liberty Square
55 Beattue Okace/ Suite 1200 (29601)
Post Office Box 10589
Greenville SC 29603
(Attorneys for Cross Plains Custom Tile)

Steve M. Pharr, Esq.
Leslie Sherrill, Esq.
Pharr Law, PLLC
8 W 3rd St # 600
Winston-Salem, NC 27101
spharr@pharrlaw.com
lsherrill@pharrlaw.com
(Attorneys for AWC Holding Company
Alenco Holding Corporation
Alenco Windows GA LLC
New Alenco Window Ltd)

Franklin J. Smith, Jr., Esq.
Richardson, Plowden, Carpenter &
Robinson, P.A.
1900 Barnwell Street
Columbia, SC 29201
fsmith@rpclaw.com
(Attorneys for SCA Engineers, Inc.)

Michael B. T. Wilkes, Esq.
Ellen S. Cheek, Esq.
Derek M. Newberry, Esq.
Wilkes Law Firm, P.A.
127 Dunbar Street, Suite 200
Spartanburg, SC 29306
mwilkes@wilkeslaw.com
echeek@wilkeslaw.com
dnewberry@wilkeslaw.com
(Attorneys for Sinclair & Associates, Inc.)

William K. Luyties, Esq.
Lorance & Thompson, P.C.
2900 North Loop West, Suite 500
Houston, TX 77092
wkl@lorancethompson.com
(Attorneys for SCA Engineers, Inc.)

J. Ryan Oates, Esq.
Brent Boyd, Esq.
Murphy & Grantland, P.A.
Post Office Box 6648
Columbia, SC 29260
roates@murphygrantland.com
bboyd@murphygrantland.com
(Attorneys for Southwest Ironworks,
Inc.)

John Moylan, Esq.
Tally Parham Casey
Wyche, P.A.
801 Gervais St, Suite B
Columbia, SC 29201
jmoylan@wyche.com
tparham@wyche.com
(Attorneys for Southern Equipment
Company, Inc. d/b/a Ready Mixed
Concrete Company)

N. Ward Lambert, Esq.
Harper, Lambert & Brown, P.A.
P.O. Box 908
Greenville, SC 29602
wlambert@hlblegal.com
(Attorneys for Tindall Corporation)

Bradford W. Cranshaw, Esq.
Grier, Cox & Cranshaw, LLC
P. O. Box 2823
Columbia, SC 29202-2823
bcranshaw@griercoxcranshaw.com
(Attorneys for T & M Concrete, Inc.)

Josh Bennett, Esq.
Geoff Osborn, Esq.
Rogers Townsend & Thomas, PC
Post Office Box 100200
Columbia, South Carolina 29202-3200
Geoff.Osborn@rtt-law.com
josh.bennett@rtt-law.com
(Attorneys for Best Masonry and its
successor in interest, OldCastleAPG
Headwaters, Inc. d/b/a Best Masonry)

Jim Werner, Esq.
Olesya Vaskevich, Esq.
Parker Poe Adams & Bernstein, LLP
1201 Main Street
Suite 1450
Columbia, SC 29201
jimwerner@parkerpoe.com
olesyavaskevich@parkerpoe.com

Lisa S. Shumpert

Lisa S. Shumpert

January 29, 2015

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
1320 Main Street / 17th Floor / Columbia, SC 29201
Tel: 803.799.2000 Fax: 803.255.5904
www.nelsonmullins.com

Erik T. Norton
Tel: 803.255.9552
Fax: 803.255.5904
erik.norton@nelsonmullins.com

January 29, 2015

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court, Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RECEIVED

JAN 29 2015

SC Court of Appeals

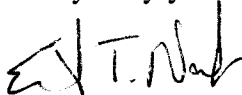
RE: The Gates at Williams-Brice Condominium Association and Katharine Swinson,
individually, and on behalf of all others similarly situated v. DDC Construction, Inc., et al.
Civil Action No. 2012-CP-40-8512
Our File No. 41087/01500

Dear Ms. Kitchings:

Enclosed please find the original and one copy of the Notice of Appeal in the above-referenced matter. We would appreciate your filing the original in your office and returning a clocked copy via our courier.

By copy of this letter, we have served all counsel with a copy of same. In addition, we have furnished the lower court with a copy of the Notice.

Very truly yours,



Erik T. Norton

ETN:ls

Enclosures

cc: All Counsel
Richland County Clerk of Court

RECEIVED

SC Court of Appeals