

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT) FOURTEENTH JUDICIAL CIRCUIT

Robert C. Brandriff and Kristen E.) Civil Action No. 2010-CP-07-05946
Brandriff, individually and derivatively)
on behalf of the Dataw Island Owners')
Association, Inc.,)

Plaintiffs,)

vs.)

Dataw Island Club, Inc.; Bruce "Skip")
Adams; Colin Collins; John Mahoney;)
Herb Jarvis; Colin McArthur; Peter)
Payne; Bob Sanderson; Lee Scher; Bob)
Albon; Larry Lance; Jim McCornock;)
Bob Pogachnick; Gerald Smith, as)
successor and Trustee of Deirdre)
Smith's Estate; Susan Beekman; Dan)
Frakes; Gwyn Jordan; Timothy)
McGrath; Jack Hamilton; and Dataw)
Island Owners Association, as a)
nominal Defendant,)

Defendants.)

**ORDER APPROVING
SETTLEMENT**

RECEIVED
FEB 25 2015
SC Court of Appeals

2015 FEB 10 AM 10:10
CLERK OF COURT
BEAUFORT COUNTY, S.C.

THIS MATTER IS BEFORE THE COURT on a joint motion of all parties, including Plaintiffs Robert C. Brandriff and Kristen E. Brandriff, individually and derivatively on behalf of the Dataw Island Owners' Association ("DIOA"), and all named Defendants, for final approval of the proposed settlement of this derivative action, pursuant to Rule 23(b)(1) of the South Carolina Rules of Civil Procedure.

Having considered the facts of this case, the arguments of the parties, and the applicable law, the Court previously made a preliminary finding that the proposed settlement agreement, as set forth in the Settlement Agreement, Release, and Covenant Not to Sue dated

September 8, 2014, and attached as Exhibit A to the parties' joint motion for preliminary approval (the "Settlement Agreement"), is fair and reasonable. After making this preliminary finding, on December 12, 2014, the Court approved a Notice of Proposed Settlement, which subsequently was provided to all DIOA members. The Notice of Proposed Settlement described the nature of the case and the terms of the proposed settlement and required any DIOA member objecting to the proposed settlement to file such objection with the Court on or before January 23, 2015. No one objected to the proposed settlement.

WHEREFORE, for the reasons set forth herein, the Court hereby grants final approval of the proposed settlement as set forth in the Settlement Agreement.

AND IT IS SO ORDERED.

2 / 10, 2015
Beaufort, South Carolina


The Honorable Carmen T. Mullen

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law

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Robert H. Brunson

(Admitted in SC & GA)

Tel: 843.534.4226

robert.brunson@nelsonmullins.com

February 24, 2015

Via Federal Express

Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
P.O. Box 11629
Columbia, SC 29211

RECEIVED
FEB 25 2015
SC Court of Appeals

RE: Robert C. Brandriff, et al. v. Dataw Island Club, Inc., et al.
Appellate Case No.: 2013-001480

Richard K. Davenport, et al. v. Dataw Island Club, Inc., et al.
Appellate Case No.: 2013-001529

Our File No. 30046/01500

Dear Ms. Kitchings:

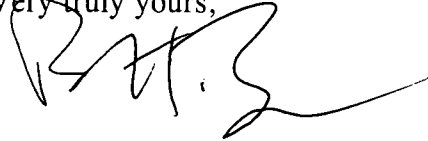
On November 25, 2013, the Court of Appeals issued orders in the two above-referenced, related cases dismissing the appeals and remanding the cases to circuit court for approval of the settlement of the Brandriff case, which was a derivative action and required approval of the circuit court for any settlement. We have enclosed copies of those orders for your reference. The orders provide that, upon approval by the circuit court of the settlement agreement in the Brandriff action, the parties shall promptly notify this Court.

The parties hereby notify this Court that, on February 10, 2015, the circuit court issued an order approving the settlement agreement.

The plaintiffs hereby respectfully request that this Court dismiss these two appeals and remit these two actions to circuit court so that the parties may file a stipulation of dismissal of the actions. If there are any questions, please do not hesitate to contact our office.

Jenny Abbott Kitchings
February 24, 2015
Page 2

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. H. Brunson', with a long horizontal flourish extending to the right.

Robert H. Brunson

cc: James H. Elliott, Jr., Esquire
Todd M. Musheff, Esquire
M. Dawes Cooke, Jr., Esquire
John W. Fletcher, Esquire (all via regular mail)

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The South Carolina Court of Appeals

Richard K. Davenport and Mary E. Davenport,
Appellants,

v.

Dataw Island Owners' Association, Inc., nominal
Defendant; Dataw Island Club, Inc.; Bruce Dataw Island
Club, Inc.; Bruce "Skip" Adams; George Beck; Victor
Brinkman; Colin Collins; Earl Dietz; Merwin "Mer"
Grayson; Dan Hopkins; Herb Jarvis; John Mahoney;
Colin McArthur; Peter Payne; John Payne; Bob
Sanderson; Lee Scher; Gerald Smith, in his capacity as
successor and Trustee of Deirdre Smith's Estate; Bob
Spengler; Phil Sutphin; Ray Hoge; Pam Weigand; Jim
Smithson; Peter Post; Roger Rittinger; Gabriel Nagy;
Bob Albon; Larry Bernard; Harriette Buchanan; Gary
Davis; Keith Dixon; Dan Frakes; Jack Hamilton; Jerry
Hubbard; Gwen Jorden; Larry Lance; Terry Lurtz; Jim
Marks; Jim McCornock; Bob Pogachnick; Bob Tisch;
Tom Fischer; Rick Manzari; Susan Beekman; Timothy
McGrath; Joe Foutch; Thomas White; Herman Schmit;
D. Pierre Cameron, Jr.; and William Bush, Respondents.

Appellate Case No. 2013-001529

ORDER

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SC Court of Appeals

The parties have informed the Court that they have reached a settlement agreement. Accordingly, the appeal is dismissed and remanded to the circuit court for approval. If the circuit court does not approve the settlement, the Court will upon request reinstate the appeal. If the circuit court approves the settlement, the parties shall promptly notify this Court. The Court may send the remittitur upon approval of the settlement or 90 days from the date of this order unless good cause is shown why this case should not be remitted.

FOR THE COURT

BY

J. A. Kite
CLERK

Columbia, South Carolina

cc:

Robert H. Brunson, Esquire
M. Dawes Cooke, Jr., Esquire
Todd M. Musheff, Esquire
John William Fletcher, Esquire
James H. Elliott, Jr., Esquire

FILED

11/25/13

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The South Carolina Court of Appeals

Robert C. Brandriff and Kristen E. Brandriff,
individually and derivatively on behalf of the Dataw
Island Owners' Association, Inc., Appellants,

v.

Dataw Island Club, Inc.; Bruce "Skip" Adams; Colin
Collins; John Mahoney; Herb Jarvis; Colin McArthur;
Peter Payne; Bob Sanderson; Lee Scher; Bob Albon;
Larry Lance; Jim McCornock; Bob Pogachnick; Gerald
Smith, as successor and Trustee of Dierdre Smith's
Estate; Susan Beekman; Dan Frakes; Gwyn Jordan;
Timothy McGrath; Jack Hamilton; and Dataw Island
Owners Association, as a nominal defendant,
Respondents.

Appellate Case No. 2013-001480

ORDER

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The parties have informed the Court that they have reached a settlement agreement. Accordingly, the appeal is dismissed and remanded to the circuit court for approval. If the circuit court does not approve the settlement, the Court will upon request reinstate the appeal. If the circuit court approves the settlement, the parties shall promptly notify this Court. The Court may send the remittitur upon approval of the settlement or 90 days from the date of this order unless good cause is shown why this case should not be remitted.

FOR THE COURT

BY

J. A. K. K.
CLERK

FILED
11/25/13

Columbia, South Carolina

cc:

Robert H. Brunson, Esquire

M. Dawes Cooke, Jr., Esquire

Todd M. Musheff, Esquire

John William Fletcher, Esquire

James H. Elliott, Jr., Esquire