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March 24, 2015

South Carolina Court of Appeals
1015 Sumter Street
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MAR 25 2015

Re: Juontonio Pickney et al. v. Brock L. Fankhauser et al.
Consolidated Appellate Case No. 2012-213730
Civil Action No. 2010-CP-46-2326
BASJ File No. 76.18798
Client File No. 482181

SC Court of Appeals

Dear Sir or Madam:

Our firm represents Stonecrest Villas of Tega Cay Condominium Owners Association, Inc. ("Stonecrest COA") in connection with claims brought against it by the Plaintiffs in this matter. Our co-counsel, Brett E. Dressler, represents Stonecrest COA in connection with its cross-claims against various other parties. Mr. Dressler advised us that he spoke with someone in the Clerk of Court's office on March 5 regarding the complex and disjointed issues in this consolidated appeal. That individual asked if the parties could submit a joint submission neutrally identifying the issues and suggesting how oral argument should be presented. Please allow this letter, which has been reviewed and approved by counsel for all parties, to serve as the requested submission.

This consolidated appeal involves four groups of litigants and five notices of appeal. Two of the notices of appeal were filed by the Plaintiffs, specifically, Juontonio Pinckney, Josephine Sciacca, Addie Smith, James Barone, Deborah Barone, Ismael Gonzalez, Joe Moore, and Sandra Moore (the "Plaintiff-Appellants"). They are represented by J. Cameron Halford of Halford, Niemiec & Freeman, LLP. Their notices of appeal are described as follows:

- Notice of Appeal received in the Court of Appeals on March 27, 2013 concerning two orders dated January 23, 2013 and February 27, 2013, which (a) approved a settlement between Stonecrest COA and various other parties and (b) extinguished the Plaintiffs' claims for damages to the community's common elements; and

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- Notice of Appeal and Amended Notice of Appeal received in the Court of Appeals on May 20 and 21, 2013 concerning three orders dated April 5, 2013, which (a) granted summary judgment to Stonecrest COA on the Plaintiffs' claims against it, (b) denied the Plaintiffs' Motion for Destructive Testing, and (c) made substitutions for the Pinckney and Musgrave plaintiffs.

The Plaintiff-Appellants subsequently withdrew their appeals of two of the three April 5, 2013 orders, leaving only the order granting summary judgment to Stonecrest COA on appeal among the orders issued on that date.

Stonecrest COA filed a Notice of Cross Appeal which was received in the Court of Appeals on April 1, 2013. However, that appeal was dismissed via an Order filed on July 3, 2013.

The remaining two notices of appeal were filed by Fankhauser Property Group, which is represented by Morgan S. Templeton and Graham P. Powell of Wall Templeton & Haldrup, P.A. Those notices of appeal are described as follows:

- Notice of Appeal received in the Court of Appeals on December 20, 2012 concerning two orders dated September 27, 2012 and November 6, 2012, which granted summary judgment to Epcon Communities, Inc. ("ECI") and Epcon Communities Franchising, Inc. ("ECFI")¹ on their cross-claims for contractual indemnity against FPG; and
- Notice of Appeal received in the Court of Appeals on February 7, 2013 concerning an order dated December 11, 2012, awarding attorneys' fees and costs against FPG in favor of ECI and ECFI.

On July 3, 2013, the Court, acting *sua sponte*, consolidated all notices of appeal under the above-referenced appellate case number.

The parties are in agreement that the issues presented by the Plaintiff-Appellants' notices of appeal are wholly unrelated to the issues presented by FPG's notices of appeal. The Plaintiff-Appellants and Stonecrest COA have absolutely no stake in the outcome of FPG's appeals, and FPG, ECI, and ECFI have absolutely no stake in the outcome of the Plaintiff-Appellants' appeals. Moreover, within the Plaintiff-Appellants' appeals, Stonecrest COA is separately represented by my firm with respect to the April 5, 2013 summary judgment order and by Mr. Dressler with respect to the January 23, 2013

¹ ECI and ECFI are represented by Michael B.T. Wilkes and J. Derham Cole, Jr. of Wilkes Law Firm, P.A.

settlement order. Accordingly, the parties respectfully submit that the following allotments of time would be appropriate.

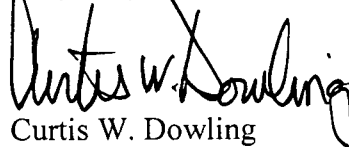
- 10-5-5 argument for the Plaintiff-Appellants' appeals, allocated as follows:
 - Ten minutes for Mr. Halford to address both of the Plaintiff-Appellants' appeals;
 - Five minutes for Mr. Dressler to respond to the Plaintiff-Appellants' appeal of the January 23, 2013 settlement order;
 - Five minutes for our firm (Barnes, Alford, Stork & Johnson, LLP) to respond to the Plaintiff-Appellants' appeal of the April 5, 2013 summary judgment order; and
 - Five minutes for rebuttal by Mr. Halford.

- 10-10-5 argument for FPG's appeals, allocated as follows:
 - Ten minutes for Mr. Templeton or Mr. Powell to address both of FPG's appeals;
 - Ten minutes for Mr. Wilkes or Mr. Cole to respond to both of FPG's appeals; and
 - Five minutes for rebuttal by Mr. Templeton or Mr. Powell.

Thank you for your consideration of this matter. Please let me know if you have any questions, comments, or concerns.

With best regards, I remain

Very truly yours,


Curtis W. Dowling

CWD/mgg

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cc: Morgan S. Templeton, Esquire
Graham P. Powell, Esquire
Brett E. Dressler, Esquire
J. Cameron Halford, Esquire
Michael B.T. Wilkes, Esquire
Joseph Derham Cole, Jr., Esquire



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