

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

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JAN 11 2016

Case No. 2002-CP-07-1377

SC Court of Appeals

Appellate Case No. 2013-001367

Ex parte: William Dixon Robertson III, William M. Bowen, W.
Jefferson Leath, Jr., Michael S. Seekings, and Timothy W. Bouch,.....Appellants.

Timothy J. Treon and his wife, Jane Treon, and P. Jennings Scarce
and Steven Christian individually, and on behalf of other similarly
situated in the State of South Carolina,.....Respondents,

v.

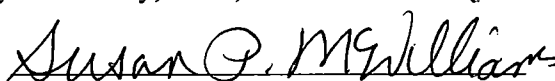
Dryvit Systems, Inc., Defendant.

APPELLANTS' MOTION TO WITHDRAW APPEAL WITHOUT PREJUDICE

Pursuant to Rules 240 and 260(c), SCACR, Appellants move the Court for an order withdrawing this appeal without prejudice and holding the remitter to lower court for a period of 90 days to resolve the matter. As further grounds for the relief sought herein, Appellants would show the Court that the parties have reached an agreement to resolve this matter and other related matters, but that all of the conditions precedent to consummation of the settlement have not yet occurred. The parties expect those conditions to have occurred within the next month and due to the Court's acceptance of the appeal on the briefs, they seek to relieve the Court of consideration of the matter in light of their agreement to resolve the matter. In the event, however, that the resolution

of this matter is not consummated within ninety (90) days of this motion, Appellants seek to be permitted to file a motion to reinstate within the 90 day period or, thereafter, for good cause shown. Prior to filing this Motion, counsel for Appellants conferred with opposing counsel regarding the relief sought herein and counsel for Respondents do not oppose the motion.

Respectfully submitted this 7th day of January, 2016,



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Timothy J. Treon and his wife, Jane Treon, and P. Jennings Scarce
and Steven Christian individually, and on behalf of other similarly
situated in the State of South Carolina,.....Plaintiffs,

v.

Dryvit Systems, Inc., Defendant.

PROOF OF SERVICE

I certify that this 7th day of January, 2016, I have served the foregoing document
via U.S. Mail, first class postage prepaid, on the following counsel:

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January 7, 2016

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

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SC Court of Appeals

Re: *Ex parte: William Dixon Robertson III, William M. Bowen, W. Jefferson Leath, Jr., Michael S. Seekings, and Timothy W. Bouch, Appellants, v. Timothy J. Treon and his wife, Jane Treon, and P. Jennings Scarce and Steven Christian individually, and on behalf of other similarly situated in the State of South Carolina*
Appellate Case No.: 2013-001367

Dear Ms. Kitchings:

Enclosed for filing please find an original and seven (7) copies of Appellants' Motion to Withdraw Appeal Without Prejudice. I would appreciate your filing the same and returning a file-stamped copy to me in the enclosed self-addressed prepaid envelope. The Certificate of Service is attached.

With best regards,

Very truly yours,


Susan P. McWilliams

SPM/mmh
Enclosures

cc: Gregory M. Alford, Esquire
James L. Bruner, Esquire
John A. Jones, Esquire
Charles Krawczyk, Esquire
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