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SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Concord and Cumberland Horizontal Property
Regime,

And

Thomas R. Mather,

And

Betty Y. Segal,

And

Signature Charleston LLC and Wade Robinson,

And

James C. Kirkpatrick,

And

Paul A. Brim,

And

Fred Rappaport and Joyce Rappaport,

And

Thomas R. Debnam, as Trustee of the Trust
Agreement of Thomas R. Debnam,

And

Pamela L. Vaughn,

Plaintiffs

v.

Concord & Cumberland, LLC; et al,

Defendants

CIVIL ACTION NUMBER: 2010-CP-10-2271

CIVIL ACTION NUMBER: 2010-CP-10-2919

CIVIL ACTION NUMBER: 2010-CP-10-3206

CIVIL ACTION NUMBER: 2010-CP-10-3207

CIVIL ACTION NUMBER: 2010-CP-10-3208

CIVIL ACTION NUMBER: 2010-CP-10-3209

CIVIL ACTION NUMBER: 2010-CP-10-3210

CIVIL ACTION NUMBER: 2010-CP-10-9580

CIVIL ACTION NUMBER: 2010-CP-10-9767

ORDER

BY

JULIE J. ARMSTRONG
CLERK OF COURT

2016 APR -4 PM 2:36

FILED

In accordance with the ruling of the Court at the joint status conference held on March 24, 2011 for all the above reference matters, it is hereby ORDERED:

1. All pending and future discovery for all of the above-recited lawsuits shall be consolidated.
2. The Undersigned Parties hereto consent and stipulate to adopt Rule 5(c) of the South Carolina Rules of Civil Procedure, effective immediately, and further consent and stipulate that its provisions extend to any claims between any "tier" of defendants.

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3. The provisions of SCRCP Rule 5(a) and (b)(1) relating the manner of service of shall be altered to permit the Undersigned Parties, or any subsequently added Party, to serve any documents identified by rule 5(a) as requiring service, upon another Undersigned Party or subsequently added Party via electronic mail, so long as said document is not directed to the recipient Party in such a manner that a response is required by the S.C.R.P. In such case where a response is required by the Recipient Party, the Serving Party, in addition to service by electronic mail, shall serve the Recipient Party in accordance with Rule 5 of the SCRCP.

a. All service by electronic mail shall be to the email address of the Parties' counsel that is identified on any one of the following, in order of priority: a) any pleadings of the Undersigned Party containing the attorney's email address, which shall be required upon any document signed by counsel of a party that is subject to a requirement of service per Rule 5, S.C.R.C.P.; b) the email address for such counsel that is publicly listed on an official website for the attorney's law firm, or b) any email address for the attorney that is listed in the current year edition of the South Carolina Bar Lawyers Desk Book. Service via email that is only to an attorney's legal assistant or any other email address that is not listed above shall not be recognized as proper service unless the recipient attorney explicitly consents to such manner of service in advance.

b. All email attachments served via this Paragraph shall be in ".PDF" format.

4. For any matters of document production by a Responding Party in response to any written discovery requests for production of documents by a Requesting Party, the Responding Party shall be permitted to produce, distribute or promulgate such responsive materials by means of uploading scanned electronic files in any widely used format (i.e. .PDF, .DOC, .DOCX, .XLS,

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.TIF, etc.) to a password-enabled, secure computer server, and providing any requesting party with a means of secure access.

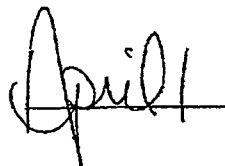
5. Any present Party who properly impleads a new Party into this matter in accordance with the SCRCP shall be able to prevail against any opposition raised by such new Party against the explicit terms of this Order, so long as the present Party demonstrates proof of service of this Order upon the new Party (in accordance with the unaltered terms of Rule 5, S.C.R.C.P) that precedes by sixty days any filed motion or other formally raised opposition by the new Party to the provisions of this Order.

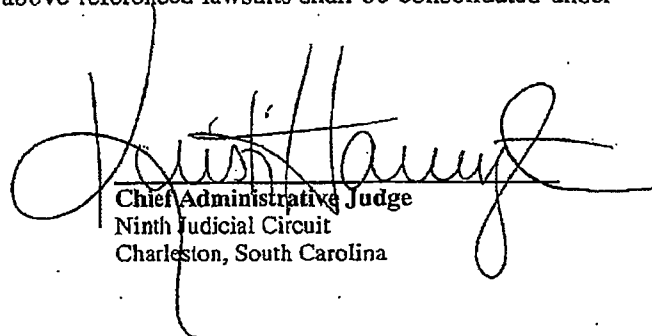
6. The Plaintiffs in all of the above-referenced matters shall be permitted to file an Amended Complaint to assert direct claims against any of Superior's subcontractors or suppliers who are presently a party to any of the above-referenced lawsuits, or any other claims against new parties. It is specifically noted that Defendant Safeco raised an objection to the unit owner Plaintiffs asserting direct causes of action against Safeco, but the Court overruled this objection.

7. Superior Construction Corporation shall be permitted to amend its pleadings in the above-referenced lawsuits brought by Plaintiffs Concord & Cumberland Horizontal Property Regime, Betty Segal, Thomas Mather, Signature Charleston, LLC, James Kirkpatrick, Paul Brim, to Fred & Joyce Rappaport to conform with Superior's pleadings in the Debnam and Vaughn lawsuits.

8. The captions for all of the above referenced lawsuits shall be consolidated under Civil Action Number 2010-CP-10-2271.

IT IS SO ORDERED.

 April, 2011


Chief Administrative Judge
Ninth Judicial Circuit
Charleston, South Carolina