

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

G. Thomas Cooper, Circuit Court Judge

Civil Action No. 2012-CP-40-8512
Appellate Case No. 2015-000180

RECEIVED
MAR 08 2016
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.; Kapasi Glass Mart, 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.; 31-W Insulation Company, Inc.; 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; Southwest Ironworks, Inc.; The Clerkley/Watkins Group, LP; Tindall Corporation; Triad Pest Control, Inc.; WymanAcoustics LLC; Alenco Holding Corporation, Alenco Window GA, LLC, New Alenco Window, Ltd.; AWC Holding Company; Crosby Window, Inc., f/k/a/ Action WinDoor Technology, Inc.; Geo-Systems Design & Testing, Inc.; HGE Consulting, Inc.; Maintenance Builders Supply, Ltd.; SCA Engineers, Inc.; Sinclair & Associates, Inc.; Faultless Hardware, individually and d/b/a Pamex Inc.; T & M Concrete; Inc.; Loveless commercial Contracting, Inc.; Economy Waterproofing, Inc.; BMC West Corporation; Highway One Construction, Inc.; J.I. Windows LLC; Dietrich Industries, Inc., a/k/a Dietrich Metal Framing, Inc. n/k/a Clarkwestern Dietrich Building Systems LLC; Best Masonry and its successor in interest, OldCastle APG; Headwaters, Inc. d/b/a Best Masonry; and John Doe #1-

10, Defendants,

Of Whom 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., Appellants.

CONSENT MOTION TO DISMISS SETTLED PARTIES

Pursuant to Rule 260(b) of the South Carolina Appellate Court Rules, Appellants and Respondents hereby jointly move this Court for an agreed dismissal of the following Appellants: DMC Consolidated, Inc.; DMC Builders, Co. Inc., individually and improperly identified as d/b/a The Dinerstein Companies; DC Developers - Columbia Condos, Inc.; DMC Developers I, Ltd.; Associated Concrete Contractors, Inc.; Bailey Electric Company, LLC; Century Fire Protection, LLC; Cherokee, Inc.; Metal Construction Materials, Inc.; Wyman Acoustics LLC and Highway One Construction, Inc.,

The basis for this motion is that Respondents and Appellants identified above have reached a mutual settlement in this matter on an individual basis, rendering this appeal moot as to the Appellants identified only. Pursuant to Rule 261(b), SCACR, these settlements do not need court approval and need not be submitted to this Court. These settlements do not finally resolve the appeal or affect any right of the remaining parties.

Based on this settlement, the parties believe the parties now should be identified

in the caption as follows:

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

v.

DDC Construction, Inc.; Kapasi Glass Mart, 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.; 31-W Insulation Company, Inc.;
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;
Southwest Ironworks, Inc.; The Clerkley/Watkins Group,
LP; Tindall Corporation; Triad Pest Control, Inc.;
WymanAcoustics LLC; Alenco Holding Corporation,
Alenco Window GA, LLC, New Alenco Window, Ltd.;
AWC Holding Company; Crosby Window, Inc., f/k/a/
Action WinDoor Technology, Inc.; Geo-Systems Design
& Testing, Inc.; HGE Consulting, Inc.; Maintenance
Builders Supply, Ltd.; SCA Engineers, Inc.; Sinclair &
Associates, Inc.; Faultless Hardware, individually and
d/b/a Pamex Inc.; T & M Concrete; Inc.; Loveless
commercial Contracting, Inc.; Economy Waterproofing,
Inc.; BMC West Corporation; Highway One
Construction, Inc.; J.I. Windows LLC; Dietrich
Industries, Inc., a/k/a Dietrich Metal Framing, Inc. n/k/a
Clarkwestern Dietrich Building Systems LLC; Best
Masonry and its successor in interest, OldCastle APG;
Headwaters, Inc. d/b/a Best Masonry; and John Doe #1-
10, Defendants,

Of Whom DDC Construction, Inc.; Columbia Condos,
LP; C&B Utilities, LP; Carolina Floor Systems, Inc.;
Coronado Stucco, LP; Cross Plains Custom Tile, Inc.;
Lowry Construction & Framing Inc.; LTB Construction,
Inc.; and Martin Morales Jr. Painting & Drywall, LLC,

Appellants.

Based on these settlements, the parties now request that this appeal be dismissed as to the appellants identified above only. The parties agree that no costs shall be assessed to either party under Rule 222, SCACR.

<signature block next page>

WE SO MOVE:

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(803) 799-2000

Attorneys for Appellants

Columbia, South Carolina

March __, 2016.

WE CONSENT:

JUSTIN O'TOOLE LUCEY PA

By: 

Justin O. Lucey

Attorneys for Respondents.

Mt. Pleasant, South Carolina

March 3, 2016.

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
Appellate Case No. 2015-000180

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

v.

DDC Construction, Inc.; Kapasi Glass Mart, 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.; 31-W Insulation Company, Inc.; 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.; Southwest
Ironworks, Inc.; The Clerkley/Watkins Group, LP; Tindall
Corporation; Triad Pest Control, Inc.; Wyman Acoustics
LLC; Alenco Holding Corporation; Alenco Window GA,
LLC; New Alenco Window, Ltd.; AWC Holding Company;
Crosby Window, Inc., f/k/a Action WinDoor Technology,
Inc.; Geo-Systems Design & Testing, Inc.; HGE Consulting,
Inc.; Maintenance Builders Supply, Ltd.; SCA Engineers,
Inc.; Sinclair & Associates, Inc.; Faultless Hardware,
individually and d/b/a Pamex, Inc.; T&M Concrete, Inc.;
Loveless Commercial Contracting, Inc.; Economy
Waterproofing, Inc.; BMC West Corporation; Highway One
Construction, Inc.; J.I. Windows LLC; Dietrich Industries,
Inc. a/k/a Dietrich Metal Framing, Inc. n/k/a Clarkwestern
Dietrich Building Systems LLC; Best Masonry and its
successor in interest, OldCastleAPG; Headwaters, Inc. d/b/a
Best Masonry; and John Doe #1-10 Defendants,

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Of whom 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. are.....

Appellants.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins
Riley & Scarborough LLP, attorneys for Appellants, 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, as indicated below to the following address(es):

Document(s): Consent Motion to Dismiss Settled Parties

Counsel Served:

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Lisa P. Whitehurst

March 8, 2016

Nelson Mullins

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March 8, 2016

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1220 Senate Street
Columbia, SC 29201

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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
Appellate Case No. 2015-000180
Our File No. 41087/01500

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of a Consent Motion to Dismiss Settled Parties in regard to the above-referenced matter. We would ask that you file the original and return a clocked-in copy to us via our courier. Also enclosed is our Firm check in the amount of \$25.00 as the required filing fee.

By copy of this letter to counsel of record, we are serving them with a copy.

Very truly yours,

Howard A. VanDine (lpw)

Howard A. VanDine, III

HAVIII:lpw
Enclosures

cc: Justin O'Toole Lucey, Esquire
Stephanie D. Drawdy, Esquire
Paul D. Greene, Esquire
Emily R. Gifford, Esquire

The Honorable Jenny Abbott Kitchings

March 8, 2016

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