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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

MAY 06 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.;
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, 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.; Martin Morales Jr. Painting & Drywall, LLC, 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: 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.

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.

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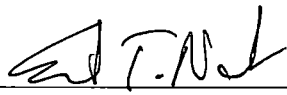
Systems, Inc.; Century Fire Protection, LLC; Cherokee Inc.; Coronado Stucco, LP; Cross Plains Custom Tile, Inc.; Lowry Construction & Framing Inc.; LTB Construction, Inc.; Martin Morales Jr. Painting & Drywall, LLC; Metal Construction Materials, Inc; Southwest Ironworks, Inc.; The Clerkley/Watkins Group, 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, OldCastle APG; Headwaters, Inc. d/b/a Best Masonry; and John Doe #1-10,Defendants,

Of Whom DDC Construction, Inc. and Columbia Condos, LP, areAppellants.

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 PAGE ATTACHED

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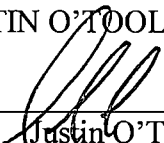
Attorneys for Appellants

Columbia, South Carolina

May 6, 2016

WE CONSENT:

JUSTIN O'TOOLE LUCEY, PA

By: 
Justin O'Toole Lucey
Stephanie D. Drawdy
415 Mill Street
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Attorneys for Respondents

THE STATE OF SOUTH CAROLINA
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10, Defendants,

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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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Stephanie D. Drawdy, Esquire
Justin O'Toole Lucey, P.A.
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Mount Pleasant, SC 29464

Attorneys for Respondents

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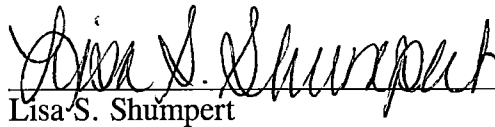
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Attorneys for Appellant Cross Plains Custom Tile, Inc.



Lisa S. Shumpert

May 6, 2016

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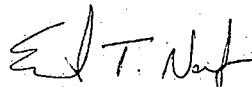
The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

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 one copy of the Consent Motion to Dismiss Settled Parties. We have also enclosed our firm check in the amount of \$25.00. We would appreciate your filing the original in your office and returning a clocked-in copy via our courier.

Very truly yours,



Erik T. Norton

ETN:ls
Enclosure

cc: Justin O'Toole Lucey, Esquire
Stephanie D. Drawdy, Esquire
Paul David Greene, Esquire
Emily R. Gifford, Esquire
Karl Brehmer, Esquire
Sterling G. Davies, Esquire
Robert B. Farrar, Esquire