

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

CROSS-APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Deadra L. Jefferson
Circuit Court Judge

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MAR 22 2017

SC Court of Appeals

Case No. 2013-CP-10-03326
Appellate Case No. 2017-000542

Waverly at Hamlin Plantation Townhome Association, Inc., Plaintiff,

v.

John Wieland Homes and Neighborhoods of the Carolinas, Inc. as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes, Inc., Defendants,

And

John Wieland Homes and Neighborhoods of the Carolinas, Inc., as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes Inc., Builders Support Services of the Carolinas, Inc., Third-Party Plaintiffs,

v.

Barr Construction, Inc., Benjamin Mora d/b/a Mora Construction, a/k/a Benjamin Mora Construction, LLC, Builders FirstSource-Atlantic Group, LLC, DBC Construction Services, LLC, Eli, Inc., Gerardo Rosette Sanchez a/k/a JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick and Block Mason, LLC, Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, Latitude Construction Services, LLC, the Muhler Company, Inc., Paul M. Vasquez, Richard Ditullio, Richard Ditullio a/k/a RDT Contracting, LLC, Third-Party Defendants,

Of whom John Wieland Homes and Neighborhoods of the Carolinas, Inc., as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland

Homes, Inc., Builders Support Services of the Carolinas, Inc., is the Appellant,

And

Waverly at Hamlin Plantation Townhome Association, Inc., George Medina, George Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, and the Muhler Company, Inc. Are the Respondents.

And

Jeffrey Sills, Individually and as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephanie Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Maryann Walsh, Patty Whitmire, Donald L. Tomasello and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Jo Feagins, Cindy Hunt for Bentgrass Limited, LLC, Adam A. and Susan S. Sokoloski, William and Carlyne Barone, Michelle Ray, Eugene and Cynthia Ray, William Abel, Dean and Conny Mason, David McCartney, Paul and Patricia Waters, James and Andrea Lowry, R. Robinson, Jr., Thaddeus R. and Barbara A. Kucysnksi, Beverly Sunders Carlson, Lisa Roeck, Elizabeth Jackson, Charles and Mary Kathleen Jenkins, Linda M. and Earl K. Rigler, Jr., John Twomey, Joe and Anita Brittain, Gilbert J. Hager and Kelly Hager Holmes, Carol and Chris Gillespie, Jared D. Overcash, Plaintiffs,

v.

John Wieland Homes and Neighborhoods of the Carolinas, Inc., as Successory by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc. John Wieland Homes of Charleson, Inc., John Wieland Hoems, Inc., Builders Support Services of the Carolinas, Inc., Wheelock Street Capital, LLC d/b/a Jon Wieland Homes and Neighborhoods, Inc. Barr Construction, Inc. Benjamine Mora d/b/a Mora Construction, a/k/a Builders FirstSource-Atlantic Group, LLC, DBC Construction Services, LLC, Gerardo Rosette Sanchez a/ka/a GR Painting, George Medina a/k/a JMC Construction, LLC, JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick and Block Mason, LLC, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, Latitude Construction Services, LLC, The Muhler Company, Inc., Paul M. Vaquez, Richard Ditullio, Richard Ditullio a/k/a ROT Contracting, LLC Defendants,

Of whom John Wieland Homes and Neighborhoods of the Carolinas, Inc. as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Hoems, Inc., Builders Support Services of the Carolinas, Inc., is the Appellant,


And

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NOTICE OF CROSS-APPEAL

Jeffrey Sills, Individually and as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephanie Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Maryann Walsh, Patty Whitmire, Donald L. Tomasello and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Jo Feagins, Cindy Hunt for Bentgrass Limited, LLC, Adam A. and Susan S. Sokoloski, William and Carolyne Barone, Michelle Ray, Eugene and Cynthia Ray, William Abel, Dean and Conny Mason, David McCartney, Paul and Patricia Waters, James and Andrea Lowry, R. Robinson, Jr., Thaddeus R. and Barbara A. Kucysnksi, Beverly Sunders Carlson, Lisa Roeck, Elizabeth Jackson, Charles and Mary Kathleen Jenkins, Linda M. and Earl K. Rigler, Jr., John Twomey, Joe and Anita Brittain, Gilbert J. Hager and Kelly Hager Holmes, Carol and Chris Gilespie, Jared D. Overcash, and Waverly at Hamlin Plantation Townhome Association, Inc. ("Respondents") cross-appeal

the ruling of the Honorable Deadra L. Jefferson granting Appellant's motion for a directed verdict as to Respondents' Unfair Trade Practices Act cause of action. The Court entered a Judgment (Form 4) on February 9th, 2017, not ending the case (Exhibit A). Respondents received notice of entry of the February 9th Judgment on February 21, 2017. The Court entered a Supplemental Order denying Appellant's Motion to Enforce Enhanced Set-Off on March 3, 2017 (Exhibit B). Respondents received notice of entry of the March 3rd Order on March 11, 2017. Appellant filed a Rule 59 Motion on March 10, 2017, which was denied by Order on March 17, 2017 (Exhibit C).



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v.

Barr Construction, Inc., Benjamin Mora d/b/a Mora Construction, a/k/a Benjamin Mora Construction, LLC, Builders FirstSource-Atlantic Group, LLC, DBC Construction Services, LLC, Eli, Inc., Gerardo Rosette Sanchez a/k/a JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick and Block Mason, LLC, Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, Latitude Construction Services, LLC, the Muhler Company, Inc., Paul M. Vasquez, Richard Ditullio, Richard Ditullio a/k/a RDT Contracting, LLC, Third-Party Defendants,

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Proof of Service

I, the undersigned, certify that I have served the Notice of Cross-Appeal to the attorneys of record by depositing a copy of it in the United States Mail on March 21, 2017, addressed to the following:

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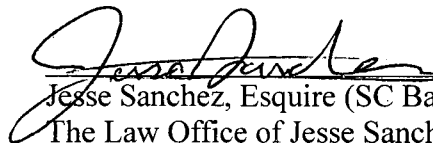
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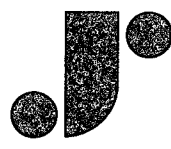
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ATTORNEYS FOR RESPONDENTS



May 21, 2017

VIA CERTIFIED MAIL

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29211

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MAR 22 2017

SC Court of Appeals

Re: Waverly at Hamlin Plantation Townhome Association, Inc. v. John Wieland
Homes and Neighborhoods of the Carolinas, Inc., et al.
Appellate Case No: 2017-000542

Dear Ms. Kitchings,

Enclosed herewith please find an original and one copy of a Notice of Cross-Appeal and Proof of Service for the above-referenced case. Please file the same and return a file-stamped copy in the enclosed prepaid envelope. Also enclosed is our check for \$100.00 for the filing fee for this cross-appeal.

Thank you for your assistance with this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Jesse Sanchez



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