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March 28, 2017

RECEIVED

MAR 31 2017

VIA U.S. MAIL

The Honorable Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
1231 Gervais Street
Columbia, South Carolina 29201

S.C. SUPREME COURT

Re: The Gates at Williams-Brice Condominium Association and Katharine Swinson, individually, and on behalf of others similarly situated, v. DDC Construction, Inc., et al
Appeal from the Richland County, Court of Common Pleas
Case Action No.: 2012-CP-40-8512
Appellate Case Tracking No.: 2016-002440

Dear Mr. Shearouse:

Pursuant to Rule 208(b)(7) of the South Carolina Appellate Court Rules, counsel for The Gates at Williams-Brice Condominium Association and Katharine Swinson ("Petitioners") wishes to make the Court aware of the enclosed South Carolina Circuit Court Order recently denying a motion to compel arbitration in a similar case involving a developer-drafted Master Deed for similar reasons currently at issue here. *See 656 Owners Assn, et al. v. WCB, LLC, et al.*, Order Denying Motion to Compel Arbitration (S.C. Ct. Common Pleas, County of Charleston, 2016-CP-10-3456) (Honorable Rodger Young refused to enforce a Master Deed's arbitration provision, finding it an adhesive contract which contains oppressive terms (including waiver of habitability) geared towards favoring developer/achieving biased results and which was inserted in the Master Deed while the Association was under developer control contrary to the Association's best interest and in violation of developer's fiduciary duties.).

Petitioners respectfully request that the aforementioned case supplement the *Petitioners' Petition for Writ of Certiorari* and *Petitioners' Reply to Respondents' Return to Petition for Writ of Certiorari*. This authority is being supplemented to demonstrate how this conflict between developers and property owners' associations relating to limitations on remedies inserted into Master Deeds, and attendant novel issue(s), is present in a number of cases currently pending before South Carolina Courts, the resolution of which will have significant public impact on the citizens of this state.

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Respectfully,


Justin O'Toole Lucey

Enclosures (stated)

cc: Howard A. VanDine, Esq. (via email with attachment)
Erik T. Norton, Esq. (via email with attachment)



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