

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

Case No. 2013-CP-10-3326  
Case No. 2014-CP-10-4335  
Appellate Case No. 2017-000542

**RECEIVED**

MAY 01 2017

**SC Court of Appeals**

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, Inc., a/k/a Builders  
FirstSource-Southeast Group, LLC, a/k/a Builders  
FirstSource-Atlantic Group, LLC, DBC Construction  
Services, LLC, Eli, Inc, Gerardo Rosette Sanchez a/k/a  
GR Painting, Jeorge Medina, Jeorge Medina a/k/a JMC  
Construction, LLC a/k/a JMC Construction, Inc., Jesus  
Mora a/k/a J. Mora Brick & 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

*Respondents.*

And

Jeffrey Sills, Individually and as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephani 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 Carolyn 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. Kuczynski, Beverly Sanders 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 Giles pie, Jared D. Overcash,

*Plaintiffs,*

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., Builders Support Services of the Carolinas, Inc., Wheelock Street Capital, LLC d/b/a Jon Wieland Homes and Neighborhoods, Inc., Bar Construction, Inc., Benjamin Mora d/b/a Mora Construction, a/k/a Benjamin Mora Construction, LLC, Builder's Firstsource, Inc. a/k/a Builders Firstsource-Atlantic Group, LLC, DBC Construction Services, LLC, Gerardo Rosette Sanchez a/k/a GR Painting, Jeorge Medine a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick & Block Mason, LLC, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, Latitude Construction Services, LLC, The Muhler Company, Inc., Paul M. Vasque, 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 Homes, Inc., Builders Support Services of the Carolinas, Inc., is the

*Appellant.*

And

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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, 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.*

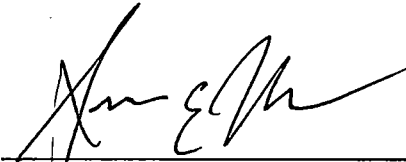
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**MOTION TO CONSOLIDATE APPEAL FILED BY APPELLANT JOHN WIELAND HOMES AND NEIGHBORHOODS OF THE CAROLINAS, INC. AS SUCCESSOR BY STATUTORY MERGER TO JOHN WIELAND HOMES AND NEIGHBORHOODS OF SOUTH CAROLINA, INC., JOHN WIELAND HOMES OF CHARLESTON, INC., JOHN WIELAND HOMES, INC., BUILDERS SUPPORT SERVICES OF THE CAROLINAS, INC ON APRIL 7, 2017**  
**WITH**  
**APPEAL FILED BY APPELLANT 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 ON MARCH 1, 2017**

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Appellant 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. ("Appellant") hereby moves this Court for an Order pursuant to Rules 214, 240(b), and 263(b), SCACR, (1) consolidating the appeal filed by Appellant on April 7, 2017 with the appeal filed by Appellant on March 1, 2017, and (2) staying the time for serving and filing the initial briefs and designation of matter to be included in the record on appeal until thirty (30) days after receiving the transcript requested for the proceedings before The

Honorable Deadra L. Jefferson, Circuit Court Judge, in Charleston County, on  
February 9, 2017.



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***Attorneys for Builder Support Services  
of the Carolinas, Inc., John Wieland  
Homes and Neighborhoods of South  
Carolina, Inc., John Wieland Homes and  
Neighborhoods of the Carolinas, Inc.,  
John Wieland Homes Inc., John Wieland  
Homes of Charleston, Inc.***

April 26, 2017

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

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Case No. 2013-CP-10-3326  
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John Wieland Homes, Inc.,

*Defendants,*

And

John Wieland Homes and Neighborhoods of the  
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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  
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LLC, Builders FirstSource, Inc., a/k/a Builders  
FirstSource-Southeast Group, LLC, a/k/a Builders  
FirstSource-Atlantic Group, LLC, DBC Construction  
Services, LLC, Eli, Inc, Gerardo Rosette Sanchez a/k/a  
GR Painting, Jeorge Medina, Jeorge Medina a/k/a JMC  
Construction, LLC a/k/a JMC Construction, Inc., Jesus  
Mora a/k/a J. Mora Brick & 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,

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Of whom

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*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

*Respondents.*

And

Jeffrey Sills, Individually and as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephani 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 Carolyn 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. Kuczynski, 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,

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*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

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Jenkins, Linda M. and Earl K. Rigler, Jr., John Twomey, Joe and Anita Brittain, Gilbert J. Hager and Kelly Hager Holmes, Carol and Chris Gilespeie, Jared D. Overcash, Jeorge Medina, Jeorge 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.*

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**PROOF OF SERVICE**

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I, the undersigned employee of Howser Newman & Besley, LLC, hereby certify that pursuant to Rules 240(d) and 262(b), SCACR, I have served the *Motion to Consolidate Appeal filed by Appellant 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 on April 7, 2017 with Appeal filed by Appellant 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 on March 1, 2017* in this matter on all counsel of record and pro se parties by delivering a copy or mailing a copy, United States Mail, postage prepaid, on April 26, 2017, to the following addresses:

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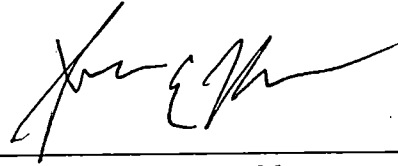
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**[Separate Signature Page Follows]**



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Theodore Luke Manos  
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***Attorneys for Builder Support Services  
of the Carolinas, Inc., John Wieland  
Homes and Neighborhoods of South  
Carolina, Inc., John Wieland Homes and  
Neighborhoods of the Carolinas, Inc.,  
John Wieland Homes Inc., John Wieland  
Homes of Charleston, Inc.***

April 26, 2017



**HOWSER, NEWMAN  
& BESLEY, LLC**

*Attorneys and Counselors at Law*

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April 26, 2017

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Albert Richard Pierce, Jr.\*  
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Justin P. Novak  
Jeffrey I. Silverberg  
Trevor P. Eddy‡  
M. Claire Hall  
Sarah Rand-McDaniel

< Certified Circuit Court Mediator  
^ Certified Circuit Court Mediator and Arbitrator  
† Certified Circuit Court Arbitrator  
\* Also Admitted in North Carolina  
‡ Also Admitted in Maryland

The Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**

MAY 01 2017

**SC Court of Appeals**

RE: *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, Inc., a/k/a Builders FirstSource-Southeast Group, LLC, a/k/a Builders FirstSource-Atlantic Group, LLC, DBC Construction Services, LLC, Eli, Inc, Gerardo Rosette Sanchez a/k/a GR Painting, George Medina, George Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick & 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 Respondents. And Jeffrey Sills, Individually and as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephani 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 Carolyn 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. Kuczynski, Beverly Sanders 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 Giles pie, Jared D. Overcash, Plaintiffs, 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., Builders Support Services of the Carolinas, Inc., Wheelock Street Capital, LLC d/b/a Jon Wieland Homes and Neighborhoods, Inc., Bar Construction, Inc., Benjamin Mora d/b/a Mora Construction, a/k/a Benjamin Mora Construction, LLC, Builder's Firstsource, Inc. a/k/a Builders Firstsource-Atlantic Group, LLC, DBC Construction Services, LLC, Gerardo Rosette Sanchez a/k/a GR Painting, George Medine a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick & Block Mason, LLC, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, Latitude Construction Services, LLC, The Muhler Company, Inc., Paul M. Vasque, 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 Homes, Inc., Builders Support Services of the Carolinas, Inc., is the Appellant, and Jeffrey Sills, Individually and as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephani 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 Carolyn 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. Kuczynski, Beverly Sanders 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 Giles pie, Jared D. Overcash, 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 Respondents.*

***Appellate Case No. 2017-000542***

Dear Ms. Kitchings:

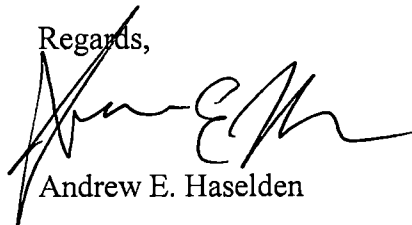
Please find enclosed for filing in the above-referenced matter:

- (1) an original and seven (7) copies of ***Motion to Consolidate Appeal filed by Appellant 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 on April 7, 2017 with Appeal filed by Appellant 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 on March 1, 2017;***
- (2) an original and one (1) copy of the ***Proof of Service*** with respect to the motion; and
- (3) a check for the required filing fee of \$25.00.

After filing the original and six (6) copies of these documents, please return the extra clocked-in copies in the self-addressed, stamped envelope provided. By copy of this letter, I am serving all counsel of record and pro se respondents with copies of each of the above-described documents.

Thank you for your assistance in this matter. Please do not hesitate to contact me with any questions or concerns.

Regards,

A handwritten signature in black ink, appearing to read "Andrew E. Haselden", written over a horizontal line.

Andrew E. Haselden

AEH/jnov

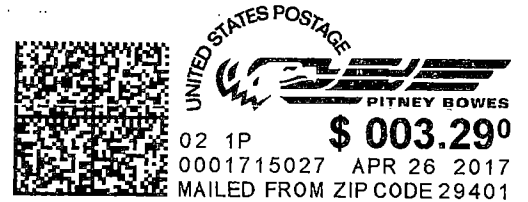
cc: All Counsel of Record and Pro Se Parties (w/ encls.)

**HN**

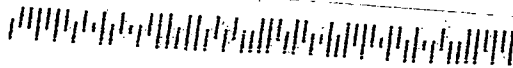
**HOWSER, NEWMAN  
& BESLEY, LLC**

*Attorneys and Counselors at Law*

215 East Bay Street, Suite 303  
Charleston, SC 29401



The Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211



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