

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
Larry B. Hyman, Jr., Circuit Court Judge

Case Nos. 2009-CP-26-10053
2009-CP-26-11862¹

Harleysville Group Insurance, a Pennsylvania corporation, Appellant,

v.

Heritage Communities, Inc., a South Carolina corporation; Heritage Riverwalk, a South Carolina corporation; Buildstar Corporation, a South Carolina corporation; Riverwalk at Arrowhead Country Club Horizontal Property Regime; Riverwalk at Arrowhead Country Club Property Owners Association, Inc., a South Carolina corporation; National Surety Corp., and Tony L. Pope and Lynn Pope, individually and representing as a class all unit owners at Riverwalk at Arrowhead Country Club Horizontal Property Regime, ... Defendants,

RECEIVED
MAY 31 2017
SC Court of Appeals

Of whom Riverwalk at Arrowhead Country Club Horizontal Property Regime; Riverwalk at Arrowhead Country Club Property Owners Association, Inc., a South Carolina corporation; and Tony L. Pope and Lynn Pope, individually and representing as a class all unit owners at Riverwalk at Arrowhead Country Club Horizontal Property Regime, are Respondents.

MOTION TO CONSOLIDATE APPEALS

¹ Harleysville has filed this motion only in the appeal of Case No. 2009-CP-26-10053. If the Court wishes, Harleysville can file a similar motion in the appeal of Case No. 2009-CP-26-11862.




Pursuant to Rule 214, SCACR, Appellant Harleysville Group Insurance (“Harleysville”), hereby moves this Court for an Order consolidating the appeal of this matter with the appeal in *Harleysville Group Insurance v. Heritage Communities, Inc., a South Carolina corporation; Heritage Magnolia North, Inc., a South Carolina corporation; Buildstar Corporation, a South Carolina corporation; Magnolia North Horizontal Property Regime; Magnolia North Property Owners Association, Inc., a South Carolina corporation, and National Surety Corp.*, Case No. 2009-CP-26-11862, which was filed simultaneously with the appeal of this case.

The grounds for this Motion are that, because both of these appeals are from the same orders which simultaneously addressed both cases, the issues in both appeals are identical warranting consolidation. Specifically, both appeals are from orders filed by the Honorable Larry B. Hyman, Jr. on April 24, 2017 and May 31, 2017. These orders simultaneously addressed Harleysville’s Rule 67, SCRCR, motions in both cases to deposit the amounts of the judgments in each action along with amounts sufficient to cover the accrued post-judgment interest. The April 24, 2017, Order addressed the motions in both cases and denied these motions. The May 31, 2017 Order denied Harleysville’s motions to alter or amend the April 24, 2017 Order. As the appealed Orders apply equally to both cases presenting identical issues for appeal, Harleysville respectfully requests that the above-referenced appeals be consolidated.

Signature Page Attached



NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

C. Mitchell Brown
SC Bar No. 012872
E-Mail: mitch.brown@nelsonmullins.com
William C. Wood, Jr.
SC Bar No. 015111
E-Mail: bill.wood@nelsonmullins.com
A. Mattison Bogan
SC Bar No. 72629
E-Mail: matt.bogan@nelsonmullins.com
Brian P. Crotty
SC Bar No. 16983
E-Mail: brian.crotty@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

Robert C. Calamari
SC Bar No. 064985
E-Mail: bob.calamari@nelsonmullins.com
3751 Robert M. Grissom Parkway / Suite 300
Post Office Box 3939 (29578-3939)
Myrtle Beach, SC 29577-3165
(843) 448-3500

Attorneys for Appellant

Columbia, South Carolina

5/31, 2017



THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
Larry B. Hyman, Jr., Circuit Court Judge

Case No. 2009-CP-26-10053

Harleysville Group Insurance, a Pennsylvania
corporation,.....

Appellant,

v.

Heritage Communities, Inc., a South Carolina
corporation; Heritage Riverwalk, a South Carolina
corporation; Buildstar Corporation, a South Carolina
corporation; Riverwalk at Arrowhead Country Club
Horizontal Property Regime; Riverwalk at Arrowhead
Country Club Property Owners Association, Inc., a
South Carolina corporation; National Surety Corp., and
Tony L. Pope and Lynn Pope, individually and
representing as a class all unit owners at Riverwalk at
Arrowhead Country Club Horizontal Property
Regime,

RECEIVED

MAY 31 2017

SC Court of Appeals

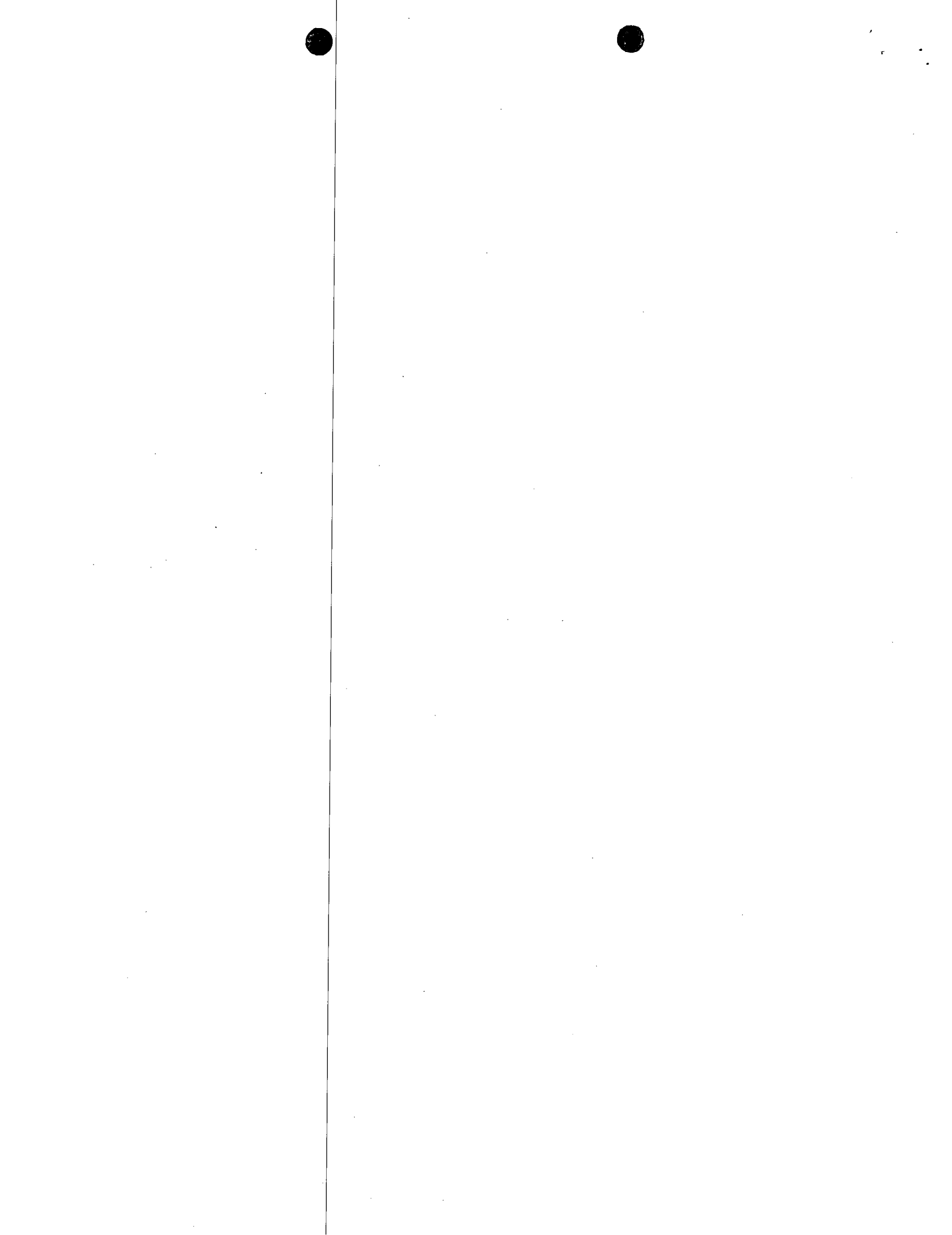
Defendants,

Of whom Riverwalk at Arrowhead Country Club
Horizontal Property Regime; Riverwalk at Arrowhead
Country Club Property Owners Association, Inc., a
South Carolina corporation; and Tony L. Pope and
Lynn Pope, individually and representing as a class all
unit owners at Riverwalk at Arrowhead Country Club
Horizontal Property Regime, are,

Respondents.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley &
Scarborough LLP, attorneys for Harleysville Group Insurance, a Pennsylvania corporation, do
hereby certify that I have served all counsel in this action with a copy of the pleading(s)



hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Motion to Consolidate Appeals

Counsel Served:

John P. Henry
Philip C. Thompson
Thompson & Henry, P.A.
1300 Second Avenue, 3rd Floor
Conway, SC 29528

Laura Johnson Evans
Smith Moore Leatherwood LLP
171 Church Street, Suite 219
Charleston, SC 29401



Lisa P. Whitehurst
Administrative Assistant

May 31, 2017



Nelson Mullins

Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law
1320 Main Street / 17th Floor / Columbia, SC 29201
Tel: 803.799.2000 Fax: 803.255.9025
www.nelsonmullins.com

C. Mitchell Brown
Tel: 803.255.9595
Fax: 803.255.9025
mitch.brown@nelsonmullins.com

May 31, 2017

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

RE: Harleysville Group Insurance v. Heritage Communities, Inc., a South Carolina Corporation; et al.
C.A. No. 2009-CP-26-11862
Harleysville Group Insurance v. Heritage Communities, Inc. (Riverwalk)
C.A. No.: 2009-CP-26-10053

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of a Motion to Consolidate Appeals 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 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 of this motion.

With kind regards, I remain

Sincerely yours,


C. Mitchell Brown

RECEIVED

MAY 31 2017

SC Court of Appeals

CMB:lpw

Enclosures

cc: John P. Henry, Esquire
Philip C. Thompson, Esquire
Laura Johnson Evans, Esquire



0