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AUG 16 2017
SC Court of Appeals

August 15, 2017

The Honorable Jenny A. Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Waverly at Hamlin Plantation Townhome Association, Inc., Respondent/Appellant
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.
Appellants/Respondents

And Jeffrey Sills, Individually and as Class Representative, et al,
Respondents/Appellants

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.
Appellants/Respondents

Appellate Case No. 2017-000542

Civil Action Nos. 2013-CP-10-3326 and 2014-CP-10-4335

Blair & Co. File Nos.: 46227 TL, 46228 TL & 46229 TL

R&A File No: TLA10162

Sextant File Nos: 36-1408-1001 (policy ZARTE003004, eff. May 26, 2006-2007)
& 42-1408-1003 (policy ARTE023221, eff. June 12, 2009-2010)

C&L File Nos. 001083-00163 & 001083-00166

Dear Ms. Kitchings:

I was waiting for the stay/abeyance to be lifted regarding the court's decision on a motion to dismiss that was filed by Respondents/Appellants (the Waverly HOA and Sills Class). On July 13, 2017, the court filed its order allowing the appeal filed by John Wieland Homes to continue. I am writing to you now to confirm that my client, Jorge Median a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc. need to actively participate in this pending appeal.

The underlying trial of the case of Waverly and Hamlin Plantation Townhome Association, Inc. (Civil Action No. 2013-CP-10-3326) (the Waverly HOA Action), which was tried simultaneously with the Jeffrey Sills, as Class Representative, et al. (Civil Action No. 2014-CP-10-4335) (the Sills Class Action), was completed in January of this year. These cases were tried together. The only parties at trial were Plaintiffs and the John Wieland Homes entities. My client,

JMC Construction, had settled with Plaintiffs prior to the case going to trial and the remaining cross-claims asserted by John Wieland Homes against my client were bifurcated. Therefore, my client was not compelled to participate in the trial. In fact, I represent to the Court that all of the Defendants except John Wieland Homes and a subcontractor defendant Paul M. Vasquez had reached a settlement with the Plaintiffs prior to trial.

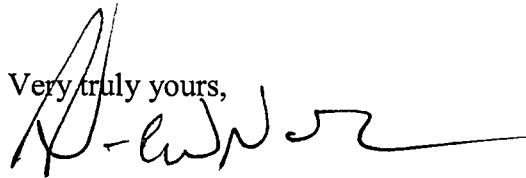
The settlement release language between Plaintiffs and my client¹ was finalized after the trial. The stipulation of dismissal with prejudice as between my client² and Plaintiffs was filed in both the Waverly HOA Action and the Sills Class Action cases on May 15, 2017. After additional settlement negotiations, my client³ reached a settlement agreement with John Wieland Homes. The stipulations of dismissal of the cross-claims asserted by John Wieland Homes against my client⁴ were filed in both the Waverly HOA Action and the Sills Class Action on June 9, 2017. Therefore, all of the claims by both Plaintiffs and John Wieland Homes have been resolved against my client. In addition to the claims by Plaintiffs and John Wieland Homes against Muhler and Sanchez, I understand that the other subcontractor defendants *except* Mr. Vasquez have similarly been resolved.

John Wieland Homes appealed the final decisions by the trial court following the trial and the post-trial arguments. The HOA Action and Sills Class Action Plaintiffs filed cross-appeals. It appears in the appeal captions that my client, as well as other subcontractor defendants, are referenced as respondents to these appeals. However, JMC Construction did not and does not intend to proceed as a party to the appeal and cross-appeal filed by John Wieland Homes and the HOA Action and Sills Class Action Plaintiffs. In fact, as part of the settlement of the cross-claims asserted by John Wieland Homes against my client, JMC Construction specifically stated that it did not want to participate in the pending appeal.

This may be a non-issue in the eyes of the court, but I wanted to confirm that JMC Construction does not need to participate in the pending appeal since it has settled out of the case completely. If there is something further that I need to do to confirm this on behalf of JMC Construction, please let me know.

With warmest regards, I am,

Very truly yours,



Andrew N. Cole

cc: Andrew E. Haselden, Esquire

¹ In fact, defendants JMC Construction, The Muhler Company, Inc. and Juan Luis Sanchez and Juan Luis Sanchez a/k/a Sanchez Brothers Painting, were included in the same settlement paperwork with the Plaintiffs and later with John Wieland Homes.

² Again, the stipulation of dismissal included the Plaintiffs, JMC Construction, Muhler, and Sanchez.

³ See footnote 1 above.

⁴ See footnote 2 above.

Justin Novak, Esquire
Theodore L. Manos, Esquire
John Hayes IV, Esquire
I. Keith McCarty, Esquire
Jesse Sanchez, Esquire
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