



MURPHY & GRANTLAND, P.A.

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September 21, 2017

RECEIVED

SEP 21 2017

SC Court of Appeals

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

Re: Beresford Commons HOA, Inc. vs. Penuel Construction, LLC aka Superior, et al.  
Civil Action No.: 2013-CP-08-00179 and 00180  
Appellate Case No.: 2017-000202  
Claim No.: 61 39 AC 221437  
Insured: Penuel Construction, LLC  
Our File No.: 1150-0740

Dear Ms. Kitchings:

This letter follows my receipt of this Court's Order filed September 20, 2017 purporting to dismiss this appeal. I represent the appellant, Nationwide Mutual Fire Insurance Company. As I understand it, the Respondent in this appeal represented to this Court that the matter has settled and can be dismissed. As I understand it, counsel for Respondent engaged in certain *ex parte* communications with this Court yesterday which resulted in the above-referenced order. Nationwide objects to both the *ex parte* communications and the dismissal.

As counsel for Nationwide has previously advised, the status of this case is that the parties have reached a verbal settlement in theory, but the terms of the settlement are still in dispute. Accordingly, Appellant hereby requests that the Order dismissing the appeal be rescinded, and that the appeal be reinstated until such time as Appellant agrees to withdraw its appeal.

Sincerely,

Timothy J. Newton

TJN/sb

cc: Amanda Blundy, Esquire  
Phillip W. Segui, Jr., Esquire  
Albert A. Lacour, III, Esquire  
Mr. John Blanton O'Neal IV  
John T. Chakeris, Esquire  
Rosalyn W. Frierson  
Cindy Thomas (via email)

# The South Carolina Court of Appeals

Ex Parte:

Nationwide Mutual Fire Insurance Company, Appellant,

In Re:

Beresford Commons Homeowners Association, Inc.,  
Respondent,

v.

Superior Solution, LLC, Respondent.

Appellate Case No. 2017-000202

The Honorable Kristi Lea Harrington  
Berkeley County  
Trial Court Case No. 2013CP0800179

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## ORDER

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It appears to the satisfaction of the Court that the above appeal has been fully and finally settled by agreement between the parties. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

**FILED**

September 20, 2017 S.S.

Columbia, South Carolina

cc:

John Robert Murphy, Esquire

Adam J. Neil, Esquire

Timothy J. Newton, Esquire

Phillip Ward Segui, Jr., Esquire

Amanda Morgan Blundy, Esquire

Albert A. Lacour, III, Esquire

The Honorable Kristi Lea Harrington

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Columbia, SC 29260

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SC Court of Appeals

**HAND DELIVERED**

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

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