

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 THE GATES AT WILLIAMS-BRICE )  
 CONDOMINIUM ASSOCIATION and )  
 KATHARINE SWINSON, individually, )  
 and on behalf of all others similarly situated )  
 #296848 )  
 )  
 Applicant, )  
 )  
 v. )  
 )  
 QUALITY BUILT, LLC and COAST TO )  
 COAST ENGINEERING SERVICES, INC. )  
 d/b/a CRITERIUM ENGINEERS )  
 )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 C/A No. 2013-CP-40-7729

**ORDER DENYING PLAINTIFF'S  
 MOTION FOR RECONSIDERATION**

**RECEIVED**  
 NOV 09 2017  
 SC Court of Appeals

RICHLAND COUNTY  
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 JEANNETTE W. MCBRIDE  
 C.C.P. & G.S.

After careful consideration of the Plaintiff's Motion and the record in this case, this Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or facts not appropriately considered.

In addition, the Court finds that, despite the fact that Respondents were not prepetition claimants in the QualityBuilt.com bankruptcy, which under the *Nationwide*<sup>1</sup> and *Brown* cases might allow successor liability, the Respondents do not meet any of the exceptions listed therein.

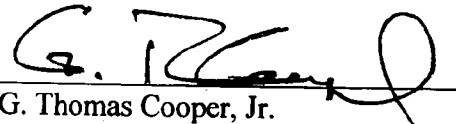
The Court in *Brown* states, "[i]n the absence of a statute, a successor or purchasing company is not liable for the debts of the predecessor or selling company unless (1) there was an agreement to assume such debts, (2) the circumstances surrounding the transaction warrant a finding of consolidation or merger of the two corporations, (3) the successor company was a mere continuation

<sup>1</sup> *Nationwide Mut. Ins. Co v. Eagle Window & Door, Inc.* 394 S.C. 54, 714 S.E.2d 322 (2011)

of the predecessor, or (4) the transaction was entered into fraudulently for the purpose of wrongfully defeating creditors' claims." *Brown v. Am Ry. Express Co.*, 128 S.C. 428, 123 S.E.2d 97 (1924).

Accordingly, this Court hereby DENIES Plaintiff's Motion pursuant to Rule 59(e) SCRCP to Alter or Amend Judgment of this Court's Order. Pursuant to Rule 59(f), the Court is of the opinion that oral argument is not necessary.

**AND IT IS SO ORDERED.**



G. Thomas Cooper, Jr.  
Presiding Judge, Fifth Judicial Circuit

October 14, 2017

