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SWEENEY WINGATE & BARROW P.A.

November 3, 2017

Reply to: Main Office

Christy E. Mahon
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cem@swblaw.com

VIA HAND DELIVERY

Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
ATTN: Shelby
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29202

RECEIVED

NOV 03 2017

SC Court of Appeals

RE: In Re: Hartford Fire Insurance Company, Hartford Casualty Insurance Company, Hartford Underwriters Insurance Company, Clarendon National Insurance Company, National Fire & Marine Insurance Company, Bitco General Insurance Corporation, Selective Insurance Company of South Carolina, and Nationwide Mutual Insurance Company

Harbour Cove v. Centex v. Hartford
Civil Action No.: 2014-CP-26-7634
Beach Villas v. Ocean Keys Development
Civil Action No.: 2014-CP-26-6573
Appellate Case No. 2017-002146
Our File: 4760-11126

Dear Shelby:

In regard to the Court's Order dated October 25, 2017, the Court instructed the parties to provide a consolidated caption with all appellants and respondents in reference to the appeals that the Court consolidated.

We have contacted all counsel listed previously on the proofs of service (in addition to others who were at one time involved in the cases). The below contains the responses from the attorneys as to their involvement and participation in the appeal. I have also copied all of the below listed so if I have misstated anything, they may inform the Court.

Below is a list of the Appellants and their counsel:

Peter H. Dworjanyn, Esquire
Collins & Lacy, P.C.
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Columbia, SC 29211
Attorney for Appellant Canopus US Insurance, Inc.

Clay McCollough
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McCullough Kahn, LLC
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Attorneys for Appellant American Empire Surplus Lines Insurance Company

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Attorney for Appellants Selective Insurance Company of South Carolina and Nationwide Mutual Insurance Company f/k/a Harleysville Insurance Company

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Attorney for Appellant National Fire & Marine Insurance Company

Lawrence M. Hunter, Jr., Esquire
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Attorney for Appellant Bitco General Insurance Corporation

Neil S. Haldrup, Esquire
Thomas B. Boger, Esquire
Wall Templeton & Haldrup, P.A.
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Post Office Box 1200
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Attorneys for Appellant Clarendon National Insurance Company as successor in interest to Clarendon America Insurance Company

Mark S. Barrow, Esquire
Everett A. Kendall, II, Esquire
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1515 Lady Street
Post Office Box 12129
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Attorneys for Appellants Hartford Fire Insurance Company, Hartford Casualty Insurance Company, and Hartford Underwriters Insurance Company

The below would like to be listed as Respondents and included in the briefing schedule:

Phillip W. Segui, Jr.
Amanda Blundy
Segui Law Firm
864 Lowcountry Blvd. #A
Mt. Pleasant, SC 29464
Attorneys for Respondent The Harbour Cove Condominium Association

John T. Chakeris
Chakeris Law Firm
231 Calhoun Street
Charleston SC 29403
Attorney for Respondent The Harbour Cove Condominium Association

Shaun W. Cranford
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Attorney for Respondent The Harbour Cove Condominium Association

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Attorney for Respondent Beach Villas at Ocean Keys Property Owners Association, Inc.

James E. Lady, Esquire

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Attorney for Respondent Beach Villas at Ocean Keyes Property Owners Association, Inc.

A. Preston Brittain, Esquire
Brittain Law Firm, P.A.
4614 Oleander Drive
Myrtle Beach, SC 29577
Attorney for Respondent Beach Villas at Ocean Keyes Property Owners Association, Inc.

Robert T. Lyles, Esquire
Joseph K. Cunningham, Esquire
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Post Office Box 773
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and
David Miller
Holly M. Lusk
Bellamy, Rutenberg, Copeland, Epps,
Gravely & Bowers, P.A.
P.O. Box 357
Myrtle Beach, SC 29578
Attorneys for Respondent Russell P. Baltzer
(They are listed together since Bellamy law firm was not involved in the underlying action but notified me that they would be appearing in the appeal for Russell P. Baltzer)

Dominic A. Starr, Esquire
J. Christopher Clark, Esquire
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Post Office Box 1349
Myrtle Beach, SC 29578
and
David Miller
Holly M. Lusk
Bellamy, Rutenberg, Copeland, Epps,
Gravely & Bowers, P.A.
P.O. Box 357
Myrtle Beach, SC 29578
Attorneys for Respondents Ocean Keyes Development, LLC, and
Keye Construction Co., Inc.
(They want to be listed as a respondent)

(They are listed together since Bellamy law firm was not involved in the underlying action but notified me that they would be appearing in the appeal for Ocean Keyes Development, LLC, and Keye Construction Co., Inc.)

Patrick J. McDonald, Esquire
N. Keith Emge, Jr., Esquire
Resnick & Louis, P.C.
234 Seven Farms Drive, Suite 128
Charleston, SC 29492
Attorneys for Respondent Ocean Keyes Development, LLC
(They want to be listed as a respondent)

The below would like to be listed such that they are copied on all filings but they do not want to be a respondent as they do not want to be involved in the briefing:

Jeffrey A. Ross
Ed Anglin
Jeff Ross Law LLC
1100 Queensborough Boulevard, Suite 201
Mt. Pleasant, SC 29464
Attorney for Martin Masonry, Inc.
(They are still a party but do not want to be a respondent)

J. David Banner, Esquire
Aiken Bridges Elliott Tyler & Saleeby, PA
Post Office Box 1931
Florence, SC 29503
Attorney for Roof Doctor of the Carolinas, Inc.
(They are still a party but do not want to be a respondent)

Jonathan J. Anderson
Curt Martin
Anderson Reynolds & Stephens, LLC
P O Box 87
Charleston, SC 29402
Attorneys for Coastal Plaster Systems, Inc., a/k/a Coastal Plastering Systems, Inc., a/k/a Coastal Plaster, Inc., incorrectly identified as Coastal Drywall d/b/a Coastal Plaster Systems, and Lundy Dowell d/b/a Coastal Plaster Systems
(They are still a party but do not want to be a respondent)

Carrie A. Fox
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181 E. Evans Street, Suite 409
P.O. Drawer 1931
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Attorney for Morningstar Consultants, Inc.
(They are still a party but do not want to be a respondent)

James H. Elliott, Jr., Esquire
Samia H. Nettles, Esquire
F. Heyward Grimbball, Esquire
Richardson Plowden & Robinson, PA
40 Calhoun Street, Suite 220
Charleston SC 29401
Attorneys for First Exteriors, LLC
(They have settled with the Plaintiff but there are still cross-claims outstanding)

As I understand it from their responses, the below would prefer to not be included in the appeal at all including receiving copies unless directed by the Court, but they still have some involvement in the underlying action. Their continued involvement is listed in the parenthesis below.

J. Austin Thomas
Grooms & Thomas, LLC
4420 Oleander Drive, Suite 104
Myrtle Beach, SC 29577
Attorney for Mike Phillips
(They have filed a Motion for Summary Judgment)

G. Michael Smith, Esquire
Thompson & Henry, P.A.
Post Office Box 1740
Conway, SC 29578
Attorney for Carefree Exteriors, Inc.
(They have settled with the Plaintiff but there are still cross-claims outstanding)

Jeffrey A. Ross
Ed Anglin
Jeff Ross Law LLC
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Mt. Pleasant, SC 29464

Attorneys for Coastal Stucco – Beach Villas
(They have settled with the Plaintiff but there are still cross-claims outstanding)

Kevin M. O'Brien, Esquire
Phelps Dunbar LLP
GlenLake One
4140 ParkLake Ave., Suite 100
Raleigh, NC 27612
Attorney for Richard H. Construction, LLC a/k/a Ricardo Hernandez d/b/a Richard
Framing Construction
(They have settled with the Plaintiff but there are still cross-claims outstanding)

I understand that the following parties are no longer involved in the matter and would like to be removed from the case. The parenthesis below contain the explanation as to why they would no longer like to be listed in the matter.

Thomas C. Hildebrand, Jr.
F. Elliotte Quinn, IV, Esquire
Parker Poe Adams & Bernstein, LLP
200 Meeting Street, Suite 301
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Attorneys for Centex Homes, a Nevada General Partnership; Centex Construction
Company, Inc.; Centex Construction, LLC; Centex-Rooney Construction, Co., Inc.;
Centex-Rodgers, Inc.; Balfour Beatty Construction, LLC, f/k/a Centex Construction, LLC
(They have settled)

Barbara J. Wagner
Barnwell Whaley Patterson & Helms, LLC
288 Meeting Street, Suite 200
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Attorney for BR Brick & Masonry, Inc.
(They have settled)

Shanna M. Stephens
W. Coleman Lawrimore
Anderson Reynolds & Stephens, LLC
P O Box 87
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Attorneys for Carolina Drywall & Interiors a/k/a Carolina Drywall Contractors, Inc.
(They have settled)

Theodore L. Manos
Michael E. Wright
Robertson Hollingsworth & Flynn
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Attorneys for South Carolina State Plastering, LLC, Georgia State Plastering, LLC,
Florida State Plastering, LLC, RWG, Inc., RWGR, Inc., Right Way Construction, Inc.,
and Right Way Group, Inc.
(They have settled)

J. Kenneth Carter, Jr.
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Attorney for Tri-City Insulation and Building Products of Myrtle Beach, Inc.
(They have settled)

Brian E. Wolfe
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Attorneys for Roof Doctor of the Carolinas, Inc.
(They have settled)

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(They have settled)

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Attorney for Gary Hunnell d/b/a Grand Strand Roofing
(They have settled)

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Attorney for Stock Building Supply, LLC
(They are working on settlement documents)

Jacqueline Dixon Phillips
Carlton Bowers
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Attorneys for Stock Building Supply, LLC
(They are working on settlement documents)

H. Mark Hamlet
Jessica Humphries, Esquire
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Attorneys for Vance Johnson Plumbing Co., Inc.
(They have settled)

G. Troy Thames
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421 Wando Park Boulevard, Suite 100
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Attorney for Vance Johnson Plumbing Co., Inc.
(They have settled)

Michael D. Freeman
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Attorney for American Residential Services, LLC d/b/a American Residential Services of
South Carolina, Inc., and ITP, Inc.
(They have settled)

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Attorney for Dunn Plumbing
(They have settled)

O. Carlisle Edwards, Jr.
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Attorney for Cohen's Drywall Company, Inc.
(They have settled)

Michael Barfield
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Barnwell Whaley Patterson & Helms, LLC
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Attorneys for CEMS Engineering, Inc.
(They were dismissed from the case)

Christina Bisset
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Attorney for Sunland Fire Protection, Inc.
(Working on a settlement with Plaintiffs)

Emily R. Gifford
Richardson Plowden & Robinson, PA
P O Drawer 7788
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Attorney for Martin Architectural Group, PC
(They have settled)

David S. Black
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Attorney for Builders FirstSource-Atlantic Group, LLC
(They have settled)

William E. Lawson
Turner Padget Graham & Laney PA
P O Box 2116
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Attorney for Air Mechanical, Inc.
(They have been dismissed)

Tracie Brisson
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Wilmington, NC 28401
Attorney for Coastal Drywall, Inc., d/b/a Coastal Plaster Systems and Lundy Dowell
d/b/a Coastal Plaster Systems
(She is no longer involved in the case, the defense was taken over by attorney Anderson)

John E. Rogers, II
Ginger Goforth
Ward Law Firm
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Spartanburg, SC 29304
Attorneys for Ansur America Insurance Co and JS Elite Flooring
(They are not involved in the case)

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Attorneys for Dietrich Building Systems
(They have settled)

Allen DuPre
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Attorney for Ferst Plastering, Inc.
(They were dismissed from the action)

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(They were dismissed from the action)

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(They were dismissed from the action)

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(They have settled)

Robert B. Hawk
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(He and his firm are not involved in the matter at all)

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(They have settled)

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Attorney for AO Hardee
(They have settled)

John M. Leiter
Law Offices of John M. Leiter PA
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Attorney for Crescent Architects, LLC
(They were dismissed)

Michael Leech
Clawson and Staubes, LLC
126 Seven Farms Drive, Suite 200
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Attorney for Taylor Made Builders, Inc.
(They were dismissed)

Myra V. Whitener
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Attorney for Vereen Concrete Co., Inc.
(They were dismissed)

Brian P. Crotty
Nelson Mullins
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(Their motion to intervene was denied and they did not appeal)

Robert M. Kennedy, Jr., Esquire
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Attorney for Catalina London, Ltd.
(The claims against their insured were resolved and they did not appeal)

Jenny C. Honeycutt
Best Honeycutt, P.A.

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(They have settled)

John B. O'Neal, IV
Bill O'Neil
Jean M. Jennings
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172 Meeting Street
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Attorney for Com Tech
(They have settled)

As I understand it other parties were named in the Complaints and Third-party Complaints but were not participating at the time of the appeal and were not listed on the Proofs of Service.

In addition, please find a copy of the proposed caption for the consolidated matters which we have circulated to all counsel and to which any requested revisions have been made.

I understand that this response is on behalf of all of the Appellants and in order to not overburden the Court, we are sending this response jointly. I understand that the date for perfecting the appeals will run ten (10) days from the service of the last notice of appeal. I understand the current last appeal that has been filed is by Selective Insurance Company of South Carolina in Beach Villas. I understand that if Selective Insurance Company of South Carolina's Appeal in Beach Villas has not been consolidated with the above appeals, it will be so consolidated. As such we have included them in the consolidated caption along with other carrier's appeals that may be filed although perhaps not consolidated yet. I understand we each are to serve our Notice of Appeals on all parties if we have not done so and therefore, there may be some amended proofs of services but that the Court is not requiring us at this time to file Amended Notices of Appeal. If this is incorrect, please let me know.


On behalf of Appellants Hartford Fire Insurance Company, Hartford Casualty Insurance Company, and Hartford Underwriters Insurance Company, I am enclosing the original Amended Proof of Service for filing and one (1) copy to be stamped and returned with the courier. I have taken the liberty to use the new caption, but would be glad to refile if necessary, if the Court does not approve of the caption.

As stated above, I defer to the other counsel if I have misstated their positions.

If you have any questions or concerns, please do not hesitate to contact me.

Yours truly,

SWEENEY, WINGATE & BARROW, P.A.


Christy E. Mahon

Enclosures: Proposed Caption
Original Amended Proof of Service and copy to be stamped and returned with the courier
Notice of Appeal in Trial Court Case No. 2014CP2607634
Clocked Copy of Order in Trial Court Case No. 2014CP2607634
Notice of Appeal in Trial Court Case No. 2014CP2606573
Clocked Copy of Amended Order in Trial Court Case No. 2014CP2606573

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