

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

Case No.: 2013-CP-10-03326

Appellate Case No. 2017-000474

RECEIVED
DEC 08 2017
SC Court of Appeals

Ex Parte:

Liberty Mutual Fire Insurance Company, Appellant,

In Re:

Waverly at Hamlin Plantation Townhome Association, Inc., Respondents,

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., Builders Support Services of the Carolinas, Inc., and Wheelock Street Capital, LLC d/b/a John Wieland Homes and Neighborhoods , Inc., Respondents,

and

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., Builders Support Services of the Carolinas, Inc., Respondents,

v.

Barr Construction, Inc., Benjamin Mora d/b/a Mora Construction, a/k/a Benjamin Mora Construction, LLC, Builders FirstSource-Atlantic Group, LLC, DBC Construction Services, LLC, Eli, Inc., Gerardo Rosette Sanchez a/k/a GR

Painting, George Medina, George Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick & Block Mason, LLC, Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, Latitude Construction Services, LLC, The Muhler Company, Inc., Paul M. Vasquez, Richard Ditullio, Richard Ditullio a/k/a RDT Contracting, LLC, Respondents.

RESPONDENTS GEORGE MEDINA AND GEORGE MEDINA A/K/A JMC CONSTRUCTION, LLC A/K/A JMC CONSTRUCTION, INC.'S MOTION TO BE DISMISSED FROM THIS PENDING APPEAL

Comes now Respondents named as George Medina and George Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc. (hereinafter "JMC") who respectfully moves this Court for an Order pursuant to Rule 240, SCACR, for a dismissal of JMC from this appeal. JMC settled with Plaintiffs Waverly at Hamlin Plantation Townhome Association, Inc. in the underlying HOA Action (C/A No. 2013-CP-10-3326) and settled with the plaintiffs in the companion Sills Class Action (C/A No.2014-CP-10-4335), prior to the trial from which Liberty Mutual Fire Insurance Company ("Liberty Mutual") now appeals. Furthermore, JMC settled the cross-claims asserted by the John Wieland Homes entities, the primary Respondents to the within appeal, shortly after the trial in January. JMC respectfully states that since all liability against it has been resolved through settlement, and since the within appeal involves arguments made pre-trial by Liberty Mutual, the Wieland entities, and Plaintiffs only, JMC need not be involved in the present appeal.

Liberty Mutual filed its appeal stemming from the trial of *Waverly and Hamlin Plantation Townhome Association, Inc.* (Civil Action No. 2013-CP-10-02236), which was tried concurrently with *Jeffrey Sills, as Class Representative, et al.* (Civil Action No. 2014-CP-10-04335). These cases were tried together in January of 2017, with Liberty Mutual filing an appeal in February of

2017 as to the trial court's denial of its pre-trial Motion to Intervene. In its appeal, Liberty Mutual has named various parties as respondents to the appeal, including JMC.

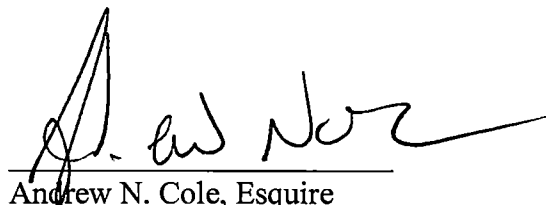
JMC has settled all of the underlying claims and liability which were brought by Plaintiffs and by the Wieland entities. Liberty Mutual is the insurance carrier for the Wieland entities and has no relationship with JMC. In fact, JMC did not participate in the trial in January 2017 since it had settled with Plaintiffs beforehand and the cross-claims that had been asserted by the Wieland entities were bifurcated from the trial proceedings. Moreover, since it was not participating in the trial, JMC did not participate in the arguments between Liberty Mutual, the Wieland entities, and the Plaintiffs on Liberty Mutual's motion to intervene, which arguments and decision are the subject of the current appeal.

Stipulations of dismissal between Plaintiffs and JMC in both the HOA Action and the Class Action were filed May 15, 2017, with a formal settlement agreement executed on February 28, 2017. Stipulations of dismissal of the Wieland entities' cross-claims against JMC in both the HOA Action and the Class Action were filed on June 9, 2017, with a formal settlement agreement executed on April 20, 2017. (Copies of the filed Stipulations of Dismissal with prejudice are attached to this motion as Exhibits "A," "B," "C," and "D" respectively.)

Since all claims that were brought or could have been brought against JMC involving the Waverly townhomes have been dismissed, and since JMC did not take a position in the underlying pre-trial arguments and does not intend to take a position regarding Liberty Mutual's arguments now on appeal, JMC respectfully requests the Court to formally dismiss JMC as a Respondent to this Appeal.

Respectfully submitted,
COLLINS & LACY, P.C.

By:



Andrew N. Cole, Esquire
SC Bar No.: 68384
acole@collinsandlacy.com
Post Office Box 12487
Columbia, SC 29211
803.256.2660

ATTORNEYS FOR JORGE MEDINA,
JORGE MEDINA A/K/A JMC
CONSTRUCTION, LLC A/K/A JMC
CONSTRUCTION, LLC

December 5, 2017
Columbia, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Waverly at Hamlin Plantation Townhome Association, Inc.,)

CIVIL ACTION NO: 2013-CP-10-3326

Plaintiff,)

vs.)

STIPULATION OF DISMISSAL WITH PREJUDICE AS TO DEFENDANTS GEORGE MEDINA A/KA JMC CONSTRUCTION, LLC A/KA JMC CONSTRUCTION, INC.; THE MUHLER COMPANY, INC.; AND JUAN LUIS SANCHEZ, JUAN LUIS SANCHEZ A/KA SANCHEZ BROTHERS PAINTING

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 of Charleston, Inc., John Wieland Homes, Inc., Builders Support Services of the Carolinas, Inc. and Wheelock Street Capital, LLC d/b/a John Wieland Homes and Neighborhoods, Inc., Barr Construction, Inc., Benjamin Mora d/b/a Mora Construction, a/k/a Benjamin Mora Construction, LLC, Builder's Firstsource, Inc. a/k/a Builders Firstsource - Atlantic Group, LLC, DBC Construction Services, LLC, Eli, Inc., Gerardo Rosette Sanchez a/k/a GR Painting, Jeorge Medina, Jeorge Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick & Block Mason, LLC, Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, Latitude Construction Services, LLC, The Muhler Company, Inc., Paul M. Vasquez, Richard Ditullio a/k/a RDT Contracting, LLC,)

Defendants.)

FILED
2017 MAY 15 PM 2:42
JULIE J. ARMSTRONG
CLERK OF COURT

WHEREAS, Plaintiff filed claims against Defendants Jeorge Medina, Jeorge Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc. ("JMC"); The Muhler Company, Inc.



("Muhler"); and Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting ("Sanchez") (collectively "Released Defendants") in the above matter; and

WHEREAS, this matter was subsequently consolidated for discovery and trial with the claim captioned *Jeffery Sills, et al. v. John Wieland Homes and Neighborhoods of the Carolinas, Inc., et al* (C/A No. 2014-CP-10-4335); and

WHEREAS, Plaintiffs are voluntarily dismissing with prejudice all claims against the Released Defendants,

THEREFORE, Pursuant to Rule 41(a), of the South Carolina Rules of Civil Procedure, Plaintiff does hereby dismiss and end its cross-claims in this action with prejudice as to all claims, known or unknown, asserted or not asserted, against Defendants JMC, Muhler, and Sanchez relative to the subject matter of this lawsuit.

Each party will bear its own costs and attorney's fees.

(Signatures on next page)

WE, THE UNDERSIGNED, SO STIPULATE:

HAYES LAW FIRM, LLC

John C. Hayes, IV, Esquire
180 Meeting Street, Suite 330
Charleston, SC 29401

And *Based on your all facts
only accounts from
to [unclear]
([unclear])*
McCARTY LAW FIRM, LLC

I. Keith McCarty, Esquire
1212 Wapoo Road
Charleston, SC 29407
Attorneys for Plaintiffs

GALLIVAN, WHITE & BOYD, PA

Peter Gunnar Nistad, Esquire
PO Box 22768
Charleston, SC 29413
Attorney for The Muhler Company, Inc.

COLLINS & LACY, PC

Andrew N. Cole, Esquire
Christopher M. Adams, Esquire
1330 Lady Street, 6th Floor (29201)
PO Box 12487
Columbia, SC 29211

*Attorneys for Defendants George Medina,
George Medina a/ka JMC Construction, LLC
a/ka JMC Construction, Inc.*

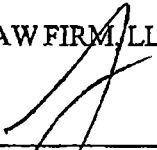
TURNER, PADGET, GRAHAM & LANEY, PA

Sarah Fragale, Esquire
40 Calhoun Street
Charleston, SC 29401
sfragale@turnerpadget.com
*Attorney for Juan Luis Sanchez, Juan Luis
Sanchez a/ka Sanchez Brothers Painting*

2-27-17

WE, THE UNDERSIGNED, SO STIPULATE:

HAYES LAW FIRM, LLC

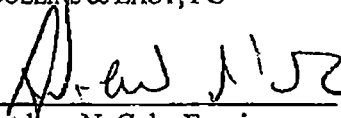


John C. Hayes, IV, Esquire
180 Meeting Street, Suite 330
Charleston, SC 29401

And *Based on your all funds
being received from
to [unclear]
(CONFIRMED)*
McCARTY LAW FIRM, LLC

I. Keith McCarty, Esquire
1212 Wapoo Road
Charleston, SC 29407
Attorneys for Plaintiffs

COLLINS & LACY, PC

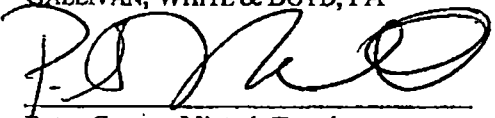


Andrew N. Cole, Esquire
Christopher M. Adams, Esquire
1330 Lady Street, 6th Floor (29201)
PO Box 12487
Columbia, SC 29211

*Attorneys for Defendants George Medina,
George Medina a/k/a JMC Construction, LLC
a/k/a JMC Construction, Inc.*

2-27-17

GALLIVAN, WHITE & BOYD, PA



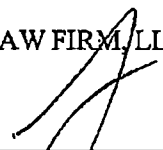
Peter Gunnar Nistad, Esquire
PO Box 22768
Charleston, SC 29413
Attorney for The Muhler Company, Inc.

TURNER, PADGET, GRAHAM & LANEY, PA

Sarah Fragale, Esquire
40 Calhoun Street
Charleston, SC 29401
sfragale@turnerpadget.com
*Attorney for Juan Luis Sanchez, Juan Luis
Sanchez a/k/a Sanchez Brothers Painting*

WE, THE UNDERSIGNED, SO STIPULATE:

HAYES LAW FIRM, LLC

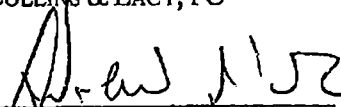


John C. Hayes, IV, Esquire
180 Meeting Street, Suite 330
Charleston, SC 29401

And *Based upon accounts from all parties to this matter (contingent)*
McCARTY LAW FIRM, LLC

I. Keith McCarty, Esquire
1212 Wapoo Road
Charleston, SC 29407
Attorneys for Plaintiffs

COLLINS & LACY, PC



Andrew N. Cole, Esquire
Christopher M. Adams, Esquire
1330 Lady Street, 6th Floor (29201)
PO Box 12487
Columbia, SC 29211


*Attorneys for Defendants George Medina,
George Medina a/k/a JMC Construction, LLC
a/k/a JMC Construction, Inc.*

2-27-17

GALLIVAN, WHITE & BOYD, PA

Peter Gunnar Nistad, Esquire
PO Box 22768
Charleston, SC 29413
Attorney for The Muhler Company, Inc.

TURNER, PADGET, GRAHAM & LANEY, PA



Sarah Fragale, Esquire
40 Calhoun Street
Charleston, SC 29401
sfragale@turnerpadget.com
*Attorney for Juan Luis Sanchez, Juan Luis
Sanchez a/k/a Sanchez Brothers Painting*



Andrew N. Cole | D: 803.255.0433 | E: acole@collinsandlacy.com

May 11, 2017

The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401-2258

Re: Waverly at Hamlin Plantation Townhome Association, Inc. v. John Wieland Homes and Neighborhoods of the Carolinas, Inc., George Medina, George Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., et al.
Civil Action No. 2013CP1003326
Claim No. R&A No. TLA10162 & THA10385
C&L File No. 001083-00163

Dear Ms. Armstrong:

Enclosed for filing please find the original and one copy of the Stipulation of Dismissal with Prejudice as to Defendants George Medina a/k/a JMC Construction, Inc., The Muhler Company, Inc., and Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting in the above matter. Please file the original and return a clocked-in copy to me.

With warmest regards, I am,

Very truly yours,

A handwritten signature in black ink, appearing to read 'Andrew N. Cole', written over a horizontal line.

Andrew N. Cole

Enclosures
cc/enc: Counsel of Record
(via e-mail only)

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

Jeffrey Sills as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephanie Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Marryann Walsh, Patty Whitmire, Donald L. Tomasell and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Jo Feagins, Cindy Hunt for Bentgrass Limited, LLC, Adam A. and Susan A. Sokoloski, William and Carolyn Barone, Michelle Ray, Eugene and Cynthia Ray, William Abel, Dean and Conny Mason, David McCartney, Paul and Patricia Watters, James and Andrea Lowry, R. Robinson, Jr., Thaddeus R. & Barbara A. Kuczynski, Beverly Sunders Carlson, Lisa Roeck, Elizabeth Jackson, Charles and Mary Kathleen Jenkins, Linda M. and Earl K. Rigler, Jr., John Twomey, Joe and Anita Brittain, Gilbert J. Hager & Kelly Hager Holmes, Carol & Chris Gillespie, Jarred D. Overcash, and James & Susie Lesesne, Jessica Shipman, Arlene Conte, Carol Ann Dumond, Lawrence Murray, Yvonne Walker, Darlene and Richard Gleeson, Robert and Michelle Bagrie, Russell Johnson, Kathryn Howle, Dorothy Newman, Nicholas and Debora Yost, Stephen Denby, Colin and Phyllis Braybrooks, Helen and Bob Harman, Roger Minton, and Stephen and Merifaith Purdue and John and Jane Does (1-48),)

Plaintiffs,)

vs.)

John Wieland Homes and Neighborhoods)

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 2014-CP-10-4335

STIPULATION OF DISMISSAL WITH PREJUDICE AS TO DEFENDANTS JEORGE MEDINA A/KA JMC CONSTRUCTION, LLC A/KA JMC CONSTRUCTION, INC.; THE MUHLER COMPANY, INC.; AND JUAN LUIS SANCHEZ, JUAN LUIS SANCHEZ A/KA SANCHEZ BROTHERS PAINTING

JBY

2017 MAY 15 PM 2:44
JULIE J. ARMSTRONG
CLERK OF COURT

FILED



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., Builder Support)
Services of the Carolinas, Inc., Wheelock)
Street Capital, LLC d/b/a John Wieland)
Homes and Neighborhoods, Inc., Barr)
Construction, Inc., Benjamin Mora d/b/a)
Mora Construction, a/k/a Benjamin Mora)
Construction, LLC, Builder's Firstsource,)
Inc. a/k/a Builders Firstsource-Southeast)
Group, LLC a/k/a Builders Firstsource-)
Atlantic Group, LLC, DBC Construction)
Services, LLC, Eli, Inc., Gerardo Rosette)
Sanchez a/k/a GR Painting, Jeorge Medina)
a/k/a JMC Construction, LLC a/k/a JMC)
Construction, Inc., Jesus Mora a/k/a J.)
Mora Brick & Block Mason, LLC, Juan)
Luis Sanchez, Juan Luis Sanchez a/k/a)
Sanchez Brothers Painting, Latitude)
Construction Services, LLC, The Muhler)
Company, Inc., Paul M. Vasquez, Richard)
Ditullio, and Richard Ditullio a/k/a ROT)
Contracting, LLC,)
))
Defendants.)
))
))

WHEREAS, Plaintiff filed claims against Defendants Jeorge Medina, Jeorge Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc.("JMC"); The Muhler Company, Inc. ("Muhler"); and Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting ("Sanchez") (collectively "Released Defendants") in the above matter; and

WHEREAS, this matter was subsequently consolidated for discovery and trial with the claim captioned *Waverly at Hamlin Plantation Townhome Association, Inc. v. John Wieland Homes and Neighborhoods of the Carolinas, Inc., et al* (C/A No. 2013-CP-10-3326); and

WHEREAS, Plaintiffs are voluntarily dismissing with prejudice all claims against the Released Defendants,

THEREFORE, Pursuant to Rule 41(a), of the South Carolina Rules of Civil Procedure, Plaintiff does hereby dismiss and end its cross-claims in this action with prejudice as to all claims, known or unknown, asserted or not asserted, against Defendants JMC, Muhler, and Sanchez relative to the subject matter of this lawsuit.

Each party will bear its own costs and attorney's fees.

(Signatures on next page)

WE, THE UNDERSIGNED, SO STIPULATE:

HAYES LAW FIRM, LLC

John C. Hayes, IV, Esquire
180 Meeting Street, Suite 330
Charleston, SC 29401

And

MCCARTY LAW FIRM, LLC

I. Keith McCarty, Esquire
1212 Wapoo Road
Charleston, SC 29407
Attorneys for Plaintiffs

GALLIVAN, WHITE & BOYD, PA

Peter Gunnar Nistad, Esquire
PO Box 22768
Charleston, SC 29413
Attorney for The Muhler Company, Inc.

COLLINS & LACY, PC

Andrew N. Cole, Esquire
Christopher M. Adams, Esquire
1330 Lady Street, 6th Floor (29201)
PO Box 12487
Columbia, SC 29211

*Attorneys for Defendants George Medina,
George Medina a/ka JMC Construction, LLC
a/ka JMC Construction, Inc.*

TURNER, PADGET, GRAHAM & LANEY, PA

Sarah Fragale, Esquire
40 Calhoun Street
Charleston, SC 29401
sfragale@turnerpadget.com
*Attorney for Juan Luis Sanchez, Juan Luis
Sanchez a/k/a Sanchez Brothers Painting*

*Based upon all facts
and records prior to
(C.C. Padgett)*

Andrew N. Cole 2-27-17

WE, THE UNDERSIGNED, SO STIPULATE:

HAYES LAW FIRM, LLC

John C. Hayes, IV, Esquire
180 Meeting Street, Suite 330
Charleston, SC 29401
And

MCCARTY LAW FIRM, LLC

I. Keith McCarty, Esquire
1212 Wapoo Road
Charleston, SC 29407
Attorneys for Plaintiffs

GALLIVAN, WHITE & BOYD, PA

Peter Gunnar Nistad, Esquire
PO Box 22768
Charleston, SC 29413
Attorney for The Muhler Company, Inc.

COLLINS & LACY, PC

Andrew N. Cole, Esquire
Christopher M. Adams, Esquire
1330 Lady Street, 6th Floor (29201)
PO Box 12487
Columbia, SC 29211
*Attorneys for Defendants George Medina,
George Medina a/ka JMC Construction, LLC
a/ka JMC Construction, Inc.*

TURNER, PADGET, GRAHAM & LANEY, PA

Sarah Fragale, Esquire
40 Calhoun Street
Charleston, SC 29401
sfragale@turnerpadget.com
*Attorney for Juan Luis Sanchez, Juan Luis
Sanchez a/k/a Sanchez Brothers Painting*

WE, THE UNDERSIGNED, SO STIPULATE:

HAYES LAW FIRM, LLC

John C. Hayes, IV, Esquire
180 Meeting Street, Suite 330
Charleston, SC 29401

And

MCCARTY LAW FIRM, LLC

I. Keith McCarty, Esquire
1212 Wapoo Road
Charleston, SC 29407
Attorneys for Plaintiffs

GALLIVAN, WHITE & BOYD, PA

Peter Gunnar Nistad, Esquire
PO Box 22768
Charleston, SC 29413
Attorney for The Muhler Company, Inc.

COLLENS & LACY, PC

Andrew N. Cole, Esquire
Christopher M. Adams, Esquire
1330 Lady Street, 6th Floor (29201)
PO Box 12487
Columbia, SC 29211

*Attorneys for Defendants George Medina,
George Medina a/k/a JMC Construction, LLC
a/k/a JMC Construction, Inc.*

TURNER, PADGET, GRAHAM & LANEY, PA

Sarah Fragale, Esquire
40 Calhoun Street
Charleston, SC 29401
sfragale@turnerpadget.com
*Attorney for Juan Luis Sanchez, Juan Luis
Sanchez a/k/a Sanchez Brothers Painting*

*all funds
to
plaintiff
(contingent)*

Andrew N. Cole 2-27-17

Sarah Fragale



Andrew N. Cole | D: 803.255.0433 | E: acole@collinsandlacy.com

May 11, 2017

The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401-2258

Re: Jeffrey Sills as Class Representative, et al. v. John Wieland Homes and Neighborhoods of the Carolinas, Inc. Jeorge Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick & Block Mason, LLC, Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, Latitude Construction Services, LLC, The Muhler Company, Inc., Paul M. Vasquez, Richard Ditullio, and Richard Ditullio a/k/a ROT Contracting, LLC, et al.
Civil Action No. 2014-CP-10-4335
Claim No. R&A TLA10162
C&L File No. 001083-00166

Dear Ms. Armstrong:

Enclosed for filing please find the original and one copy of the Stipulation of Dismissal with Prejudice as to Defendants Jeorge Medina a/k/a JMC Construction, Inc., The Muhler Company, Inc., and Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting in the above matter. Please file the original and return a clocked-in copy to me.

With warmest regards, I am,

Very truly yours,

A handwritten signature in black ink, appearing to read "Andrew N. Cole".

Andrew N. Cole

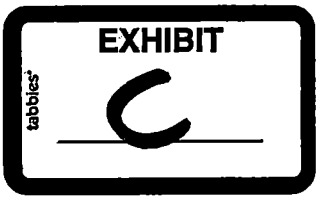
Enclosures
cc/enc: Counsel of Record
(via e-mail)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 Waverly at Hamlin Plantation Townhome)
 Association, Inc.,)
)
 Plaintiff,)
)
 vs.)
)
 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 of Charleston, Inc.,)
 John Wieland Homes, Inc., Builders)
 Support Services of the Carolinas, Inc. and)
 Wheelock Street Capital, LLC d/b/a John)
 Wieland Homes and Neighborhoods, Inc.,)
 Barr Construction, Inc., Benjamin Mora)
 d/b/a Mora Construction, a/k/a Benjamin)
 Mora Construction, LLC, Builder's)
 Firstsource, Inc. a/k/a Builders Firstsource -)
 Atlantic Group, LLC, DBC Construction)
 Services, LLC, Eli, Inc., Gerardo Rosette)
 Sanchez a/k/a GR Painting, George Medina,)
 George Medina a/k/a JMC Construction,)
 LLC a/k/a JMC Construction, Inc., Jesus)
 Mora a/k/a J. Mora Brick & Block Mason,)
 LLC, Juan Luis Sanchez, Juan Luis)
 Sanchez a/k/a Sanchez Brothers Painting,)
 Latitude Construction Services, LLC, The)
 Muhler Company, Inc., Paul M. Vasquez,)
 Richard Ditullio a/k/a RDT Contracting,)
 LLC,)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 CIVIL ACTION NO: 2013-CP-10-3326
**STIPULATION OF DISMISSAL WITH
 PREJUDICE OF DEFENDANT 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., BUILDERS
 SUPPORT SERVICES OF THE
 CAROLINAS, AND JOHN WIELAND
 HOMES AND NEIGHBORHOODS, INC.S
 CROSS-CLAIMS AS TO DEFENDANTS
 GEORGE MEDINA A/KA JMC
 CONSTRUCTION, LLC A/KA JMC
 CONSTRUCTION, INC.; THE MUHLER
 COMPANY, INC.; AND JUAN LUIS
 SANCHEZ, JUAN LUIS SANCHEZ A/KA
 SANCHEZ BROTHERS PAINTING**

FILED
 2017 JUN -9 PM 1:46
 JULIE J ARMSTRONG
 CLERK OF COURT
 BY _____ V

WHEREAS, Defendant 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., Builders Support Services of the Carolinas, and John Wieland Homes and Neighborhoods, Inc. (hereafter "Wieland") filed cross-



claims against Defendants George Medina, George Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc. (“JMC”); The Muhler Company, Inc. (“Muhler”); and Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting (“Sanchez”) (collectively “Released Defendants”) in the above matter; and

WHEREAS, this matter was subsequently consolidated for discovery and trial with the claim captioned *Jeffery Sills, et al. v. John Wieland Homes and Neighborhoods of the Carolinas, Inc., et al* (C/A No. 2014-CP-10-4335); and

WHEREAS, Wieland is voluntarily dismissing with prejudice all cross-claims against the Released Defendants,

THEREFORE, Pursuant to Rule 41(a), of the South Carolina Rules of Civil Procedure, Defendant Wieland does hereby dismiss and end its cross-claims in this action with prejudice as to all claims, known or unknown, asserted or not asserted, against Defendants JMC, Muhler, and Sanchez relative to the subject matter of this lawsuit.

Each party will bear its own costs and attorney’s fees.

(Signatures on next page)

WE, THE UNDERSIGNED, SO STIPULATE:

HOWSER NEWMAN & BESLEY, LLC

Andrew E. Haselden, Esquire
215 East Bay Street, Suite 303
Charleston, SC 29401

And

ROBERTSON HOLLINGSWORTH MANOS & RAHN,
LLC

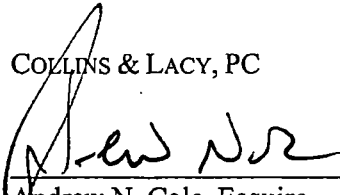
Theodore L. Manos, Esquire
550 King Street, Suite 300
Charleston, SC 29403

***Attorneys for Defendants 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., Builders Support
Services of the Carolinas, and John Wieland
Homes and Neighborhoods, Inc.***

GALLIVAN, WHITE & BOYD, PA

Peter Gunnar Nistad, Esquire
PO Box 22768
Charleston, SC 29413
Attorney for The Muhler Company, Inc.

COLLINS & LACY, PC



May 11, 2017
Andrew N. Cole, Esquire
Christopher M. Adams, Esquire
1330 Lady Street, 6th Floor (29201)
PO Box 12487
Columbia, SC 29211
***Attorneys for Defendants Jeorge Medina,
Jeorge Medina a/ka JMC Construction, LLC
a/ka JMC Construction, Inc.***

TURNER, PADGET, GRAHAM & LANEY, PA

Sarah Fragale, Esquire
40 Calhoun Street
Charleston, SC 29401
sfragale@turnerpadget.com
***Attorney for Juan Luis Sanchez, Juan Luis
Sanchez a/k/a Sanchez Brothers Painting***

WE, THE UNDERSIGNED, SO STIPULATE:

HOWSER NEWMAN & BESLEY, LLC

COLLINS & LACY, PC

Andrew E. Haselden, Esquire
215 East Bay Street, Suite 303
Charleston, SC 29401

Andrew N. Cole, Esquire
Christopher M. Adams, Esquire
1330 Lady Street, 6th Floor (29201)
PO Box 12487
Columbia, SC 29211

And

ROBERTSON HOLLINGSWORTH MANOS & RAHN,
LLC

*Attorneys for Defendants George Medina,
George Medina a/ka JMC Construction, LLC
a/ka JMC Construction, Inc.*

Theodore L. Manos, Esquire
550 King Street, Suite 300
Charleston, SC 29403

*Attorneys for Defendants 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., Builders Support
Services of the Carolinas, and John Wieland
Homes and Neighborhoods, Inc.*

GALLIVAN, WHITE & BOYD, PA

TURNER, PADGET, GRAHAM & LANEY, PA

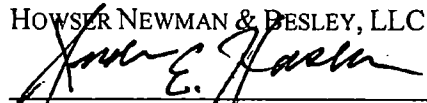


Peter Gunnar Nistad, Esquire
PO Box 22768
Charleston, SC 29413
Attorney for The Muhler Company, Inc.

Sarah Fragale, Esquire
40 Calhoun Street
Charleston, SC 29401
sfragale@turnerpadget.com
*Attorney for Juan Luis Sanchez, Juan Luis
Sanchez a/k/a Sanchez Brothers Painting*

WE, THE UNDERSIGNED, SO STIPULATE:

HOWSER NEWMAN & BESLEY, LLC


Andrew E. Haselden, Esquire
215 East Bay Street, Suite 303
Charleston, SC 29401


And

ROBERTSON HOLLINGSWORTH MANOS & RAHN,
LLC


Theodore L. Manos, Esquire
550 King Street, Suite 300
Charleston, SC 29403

*Attorneys for Defendants 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., Builders Support
Services of the Carolinas, and John Wieland
Homes and Neighborhoods, Inc.*

GALLIVAN, WHITE & BOYD, PA


Peter Gunnar Nistad, Esquire
PO Box 22768
Charleston, SC 29413
Attorney for The Muhler Company, Inc.

COLLINS & LACY, PC


Andrew N. Cole, Esquire
Christopher M. Adams, Esquire
1330 Lady Street, 6th Floor (29201)
PO Box 12487
Columbia, SC 29211

*Attorneys for Defendants Jeorge Medina,
Jeorge Medina a/ka JMC Construction, LLC
a/ka JMC Construction, Inc.*

TURNER, PADGET, GRAHAM & LANEY, PA


Sarah Fragale, Esquire
40 Calhoun Street
Charleston, SC 29401
sfragale@turnerpadget.com
*Attorney for Juan Luis Sanchez, Juan Luis
Sanchez a/k/a Sanchez Brothers Painting*

CERTIFICATE OF SERVICE

The undersigned employee of Collins & Lacy, P.C., Attorneys at Law, Post Office Box 12487, 1330 Lady Street, Sixth Floor, Columbia, South Carolina 29211, does hereby certify that (s)he has served, or directed someone on his/her behalf to serve, the following named individual(s) with a copy of the pleading(s) indicated below via hand delivery and/or electronic mail and/or by mailing a copy of same to them in the United States mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

COUNSEL SERVED:

<p>John C. Hayes, IV, Esquire Mary-Margaret Nolan, Esquire Hayes Law Firm 180 Meeting Street, Suite 330 Charleston, SC 29401 jhayes@hayeslaw.org mnoland@hayeslaw.org</p> <p>I. Keith McCarty, Esquire McCarty Law Firm, LLC PO Box 30055 Charleston, SC 29417 ikeithmccarty@gmail.com Attorneys for Plaintiffs</p>	<p>Peter Gunnar Nistad, Esquire Gallivan White & Boyd, PA PO Box 22768 Charleston, SC 29413 gnistad@gwblawfirm.com</p> <p><i>Attorney for The Muhler Company, Inc.</i></p>
<p>Andrew E. Haselden, Esquire Howser Newman & Besley, LLC 215 East Bay Street, Suite 303 Charleston, SC 29401 ahaselden@hnblaw.com</p> <p>and</p> <p>Theodore L. Manos, Esquire Robertson Hollingsworth Manos & Rahn, LLC 550 King Street, Suite 300 Charleston, SC 29403 tln@roblaw.net</p> <p><i>Attorneys for 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., and Builders Support Services of the Carolinas, Inc.</i></p>	<p>Sarah Fragale, Esquire Turner, Padgett, Graham & Laney, P.A. 40 Calhoun Street Charleston, SC 29401 sfragale@turnerpadgett.com</p> <p><i>Attorney for Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting</i></p>

FILED
2017 JUN -9 PM 1:47
JULIE J. ARMSTRONG
CLERK OF COURT
RY

PLEADING:

STIPULATION OF DISMISSAL WITH PREJUDICE OF DEFENDANT 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., BUILDERS SUPPORT SERVICES OF THE CAROLINAS, AND JOHN WIELAND HOMES AND NEIGHBORHOODS, INC.'S CROSS-CLAIMS AS TO DEFENDANTS JEORGE MEDINA A/KA JMC CONSTRUCTION, LLC A/KA JMC CONSTRUCTION, INC.; THE MUHLER COMPANY, INC.; AND JUAN LUIS SANCHEZ, JUAN LUIS SANCHEZ A/KA SANCHEZ BROTHERS PAINTING

Richelle Campbell

Columbia, South Carolina

June 7, 2017



Andrew N. Cole | D: 803.255.0433 | E: acole@collinsandlacy.com

June 7, 2017

The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401-2258

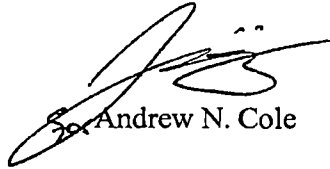
Re: Waverly at Hamlin Plantation Townhome Association, Inc. v. John Wieland Homes and Neighborhoods of the Carolinas, Inc. as successor by statutory merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes, Inc., Builders Support Services of the Carolinas, Inc. and Wheelock Street Capital, LLC d/b/a John Wieland Homes and Neighborhoods, Inc. 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., Builders Support Services of the Carolinas, Inc. v. Barr Construction, Inc., Benjamin Mora d/b/a Mora Construction, a/k/a Benjamin Mora Construction, LLC, Builder's Firstsource, Inc. a/k/a Builders Firstsource - Atlantic Group, LLC, DBC Construction Services, LLC, Eli, Inc., Gerardo Rosette Sanchez a/k/a GR Painting, Jeorge Medina, Jeorge Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick & Block Mason, LLC, Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, Latitude Construction Services, LLC, The Muhler Company, Inc., Paul M. Vasquez, Richard Ditullio a/k/a RDT Contracting, LLC
Civil Action No. 2013CP1003326
Claim No. R&A No. TLA10162 & THA10385
C&L File No. 001083-00163

Dear Ms. Armstrong:

Enclosed for filing please find the original and one copy of the Stipulation of Dismissal with Prejudice of 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 of Charleston, Inc., John Wieland Homes, Inc., Builders Support Services of the Carolinas, Inc. and Wheelock Street Capital, LLC d/b/a John Wieland Homes and Neighborhoods, Inc. 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., and Builders Support Services of the Carolinas, Inc.'s Crossclaims as to Defendants Jeorge Medina a/k/a JMC Construction, Inc., The Muhler Company, Inc., and Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting in the above matter. Please file the original and return a clocked-in copy to me.

With warmest regards, I am,

Very truly yours,

A handwritten signature in black ink, appearing to read 'Andrew N. Cole', with a large, sweeping flourish extending to the right.

Andrew N. Cole

Enclosures

cc/enc: Andrew E. Haselden, Esquire
Theodore L. Manos, Esquire
Sarah Fragale, Esquire
P. Gunnar Nistad, Esquire
(via e-mail only)

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

Jeffrey Sills as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephanie Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Marryann Walsh, Patty Whitmire, Donald L. Tomasell and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Jo Feagins, Cindy Hunt for Bentgrass Limited, LLC, Adam A. and Susan A. Sokoloski, William and Carolyn Barone, Michelle Ray, Eugene and Cynthia Ray, William Abel, Dean and Conny Mason, David McCartney, Paul and Patricia Watters, James and Andrea Lowry, R. Robinson, Jr., Thaddeus R. & Barbara A. Kuczynski, Beverly Sanders Carlson, Lisa Roeck, Elizabeth Jackson, Charles and Mary Kathleen Jenkins, Linda M. and Earl K. Rigler, Jr., John Twomey, Joe and Anita Brittain, Gilbert J. Hager & Kelly Hager Holmes, Carol & Chris Gillespie, Jarred D. Overcash, and James & Susie Lesesne, Jessica Shipman, Arlene Conte, Carol Ann Dumond, Lawrence Murray, Yvonne Walker, Darlene and Richard Gleeson, Robert and Michelle Bagrie, Russell Johnson, Kathryn Howle, Dorothy Newman, Nicholas and Debora Yost, Stephen Denby, Colin and Phyllis Braybrooks, Helen and Bob Harman, Roger Minton, and Stephen and Merifaith Purdue and John and Jane Does (1-48),)

Plaintiffs,)

vs.)

John Wieland Homes and Neighborhoods)

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

CIVIL ACTION NO: 2014-CP-10-4335

STIPULATION OF DISMISSAL WITH PREJUDICE OF DEFENDANT 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., BUILDERS SUPPORT SERVICES OF THE CAROLINAS, AND JOHN WIELAND HOMES AND NEIGHBORHOODS, INC.S CROSS-CLAIMS AS TO DEFENDANTS GEORGE MEDINA A/KA JMC CONSTRUCTION, LLC A/KA JMC CONSTRUCTION, INC.; THE MUHLER COMPANY, INC.; AND JUAN LUIS SANCHEZ, JUAN LUIS SANCHEZ A/KA SANCHEZ BROTHERS PAINTING

BY _____
JULIE J. ARMSTRONG
CLERK OF COURT
W

2017 JUN -9 PM 1:48

FILED



WHEREAS, this matter was subsequently consolidated for discovery and trial with the claim captioned *Waverly at Hamlin Plantation Townhome Association, Inc. v. John Wieland Homes and Neighborhoods of the Carolinas, Inc., et al* (C/A No. 2013-CP-10-3326); and

WHEREAS, Wieland is voluntarily dismissing with prejudice all cross-claims against the Released Defendants,


THEREFORE, Pursuant to Rule 41(a), of the South Carolina Rules of Civil Procedure, Defendant Wieland does hereby dismiss and end its cross-claims in this action with prejudice as to all claims, known or unknown, asserted or not asserted, against Defendants JMC, Muhler, and Sanchez relative to the subject matter of this lawsuit.

Each party will bear its own costs and attorney's fees.

(Signatures on next page)

WE, THE UNDERSIGNED, SO STIPULATE:

HOWSER NEWMAN & BESLEY, LLC


Andrew E. Haselden, Esquire
215 East Bay Street, Suite 303
Charleston, SC 29401


And

ROBERTSON HOLLINGSWORTH MANOS & RAHN,
LLC

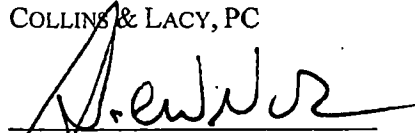
Theodore L. Manos, Esquire
550 King Street, Suite 300
Charleston, SC 29403

*Attorneys for Defendants 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., Builders Support
Services of the Carolinas, and John Wieland
Homes and Neighborhoods, Inc.*

GALLIVAN, WHITE & BOYD, PA


Peter Gunnar Nistad, Esquire
PO Box 22768
Charleston, SC 29413
Attorney for The Muhler Company, Inc.

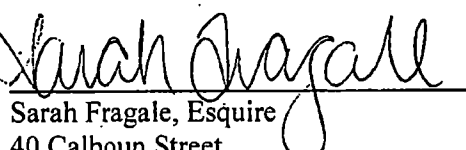
COLLINS & LACY, PC


Andrew N. Cole, Esquire
Christopher M. Adams, Esquire
1330 Lady Street, 6th Floor (29201)
PO Box 12487
Columbia, SC 29211

May 11, 2017

*Attorneys for Defendants Jeorge Medina,
Jeorge Medina a/ka JMC Construction, LLC
a/ka JMC Construction, Inc.*

TURNER, PADGET, GRAHAM & LANEY, PA


Sarah Fragale, Esquire
40 Calhoun Street
Charleston, SC 29401
sfragale@turnerpadget.com
*Attorney for Juan Luis Sanchez, Juan Luis
Sanchez a/k/a Sanchez Brothers Painting*

WE, THE UNDERSIGNED, SO STIPULATE:

HOWSER NEWMAN & BESLEY, LLC

COLLINS & LACY, PC

Andrew E. Haselden, Esquire
215 East Bay Street, Suite 303
Charleston, SC 29401

Andrew N. Cole, Esquire
Christopher M. Adams, Esquire
1330 Lady Street, 6th Floor (29201)
PO Box 12487
Columbia, SC 29211

And

ROBERTSON HOLLINGSWORTH MANOS & RAHN,
LLC

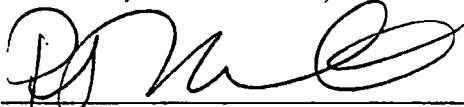
*Attorneys for Defendants Jeorge Medina,
Jeorge Medina a/ka JMC Construction, LLC
a/ka JMC Construction, Inc.*

Theodore L. Manos, Esquire
550 King Street, Suite 300
Charleston, SC 29403

*Attorneys for Defendants 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., Builders Support
Services of the Carolinas, and John Wieland
Homes and Neighborhoods, Inc.*

GALLIVAN, WHITE & BOYD, PA

TURNER, PADGET, GRAHAM & LANEY, PA



Peter Gunnar Nistad, Esquire
PO Box 22768
Charleston, SC 29413
Attorney for The Muhler Company, Inc.

Sarah Fragale, Esquire
40 Calhoun Street
Charleston, SC 29401
sfragale@turnerpadget.com
*Attorney for Juan Luis Sanchez, Juan Luis
Sanchez a/k/a Sanchez Brothers Painting*

2014-CP-10-4335

CERTIFICATE OF SERVICE

The undersigned employee of Collins & Lacy, P.C., Attorneys at Law, Post Office Box 12487, 1330 Lady Street, Sixth Floor, Columbia, South Carolina 29211, does hereby certify that (s)he has served, or directed someone on his/her behalf to serve, the following named individual(s) with a copy of the pleading(s) indicated below via hand delivery and/or electronic mail and/or by mailing a copy of same to them in the United States mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

COUNSEL SERVED:

<p>John C. Hayes, IV, Esquire Mary-Margaret Nolan, Esquire Hayes Law Firm 180 Meeting Street, Suite 330 Charleston, SC 29401 jhayes@hayeslaw.org mnoland@hayeslaw.org</p> <p>I. Keith McCarty, Esquire McCarty Law Firm, LLC PO Box 30055 Charleston, SC 29417 ikeithmccarty@gmail.com <i>Attorneys for Plaintiffs</i></p>	<p>Peter Gunnar Nistad, Esquire Gallivan White & Boyd, PA PO Box 22768 Charleston, SC 29413 gnistad@gwblawfirm.com</p> <p><i>Attorney for The Muhler Company, Inc.</i></p> <p>FILED 2017 JUN -9 PM 1:48 JULIE J. ARMSTRONG CLERK OF COURT</p>
<p>Andrew E. Haselden, Esquire Howser Newman & Besley, LLC 215 East Bay Street, Suite 303 Charleston, SC 29401 ahaselden@hnblaw.com</p> <p>and</p> <p>Theodore L. Manos, Esquire Robertson Hollingsworth Manos & Rahn, LLC 550 King Street, Suite 300 Charleston, SC 29403 tlm@roblaw.net</p> <p><i>Attorneys for 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., and Builders Support Services of the Carolinas, Inc.</i></p>	<p>Sarah Fragale, Esquire Turner, Padgett, Graham & Laney, P.A. 40 Calhoun Street Charleston, SC 29401 sfragale@turnerpadgett.com</p> <p><i>Attorney for Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting</i></p>

PLEADING:

STIPULATION OF DISMISSAL WITH PREJUDICE OF DEFENDANT 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., BUILDERS SUPPORT SERVICES OF THE CAROLINAS, AND JOHN WIELAND HOMES AND NEIGHBORHOODS, INC.'S CROSS-CLAIMS AS TO DEFENDANTS JEORGE MEDINA A/KA JMC CONSTRUCTION, LLC A/KA JMC CONSTRUCTION, INC.; THE MUHLER COMPANY, INC.; AND JUAN LUIS SANCHEZ, JUAN LUIS SANCHEZ A/KA SANCHEZ BROTHERS PAINTING

Richelle Campbell

Columbia, South Carolina

June 7, 2017



Andrew N. Cole | D: 803.255.0433 | E: acole@collinsandlacy.com

June 7, 2017

The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401-2258

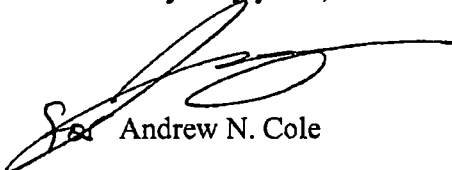
Re: Jeffrey Sills as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephanie Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Marryann Walsh, Patty Whitmire, Donald L. Tomasell and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Jo Feagins, Cindy Hunt for Bentgrass Limited, LLC, Adam A. and Susan A. Sokoloski, William and Carolyn Barone, Michelle Ray, Eugene and Cynthia Ray, William Abel, Dean and Conny Mason, David McCartney, Paul and Patricia Watters, James and Andrea Lowry, R. Robinson, Jr., Thaddeus R. & Barbara A. Kuczynski, Beverly Sunders Carlson, Lisa Roeck, Elizabeth Jackson, Charles and Mary Kathleen Jenkins, Linda M. and Earl K. Rigler, Jr., John Twomey, Joe and Anita Brittain, Gilbert J. Hager & Kelly Hager Holmes, Carol & Chris Gillespie, Jarred D. Overcash, and James & Susie Lesesne, Jessica Shipman, Arlene Conte, Carol Ann Dumond, Lawrence Murray, Yvonne Walker, Darlene and Richard Gleeson, Robert and Michelle Bagrie, Russell Johnson, Kathryn Howle, Dorothy Newman, Nicholas and Debora Yost, Stephen Denby, Colin and Phyllis Braybrooks, Helen and Bob Harman, Roger Minton, and Stephen and Merifaith Purdue and John and Jane Does (1-48) 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., Builder Support Services of the Carolinas, Inc., Wheelock Street Capital, LLC d/b/a John Wieland Homes and Neighborhoods, Inc., Barr Construction, Inc., Benjamin Mora d/b/a Mora Construction, a/k/a Benjamin Mora Construction, LLC, Builder's Firstsource, Inc. a/k/a Builders Firstsource-Southeast Group, LLC a/k/a Builders Firstsource-Atlantic Group, LLC, DBC Construction Services, LLC, Eli, Inc., Gerardo Rosette Sanchez a/k/a GR Painting, George Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick & Block Mason, LLC, Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, Latitude Construction Services, LLC, The Muhler Company, Inc., Paul M. Vasquez, Richard Ditullio, and Richard Ditullio a/k/a ROT Contracting, LLC
Civil Action No. 2014-CP-10-4335
Claim No. R&A TLA10162
C&L File No. 001083-00166

Dear Ms. Armstrong:

Enclosed for filing please find the original and one copy of the Stipulation of Dismissal with Prejudice of 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 of Charleston, Inc., John Wieland Homes, Inc., Builders Support Services of the Carolinas, Inc. and Wheelock Street Capital, LLC d/b/a John Wieland Homes and Neighborhoods, Inc. 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., and Builders Support Services of the Carolinas, Inc.'s Crossclaims as to Defendants George Medina a/k/a JMC Construction, Inc., The Muhler Company, Inc., and Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting in the above matter. Please file the original and return a clocked-in copy to me.

With warmest regards, I am,

Very truly yours,



Andrew N. Cole

Enclosures

cc/enc: Andrew E. Haselden, Esquire
Theodore L. Manos, Esquire
Sarah Fragale, Esquire
P. Gunnar Nistad, Esquire
(via e-mail only)

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

Case No.: 2013-CP-10-03326

Appellate Case No. 2017-000474

RECEIVED

DEC 08 2017

SC Court of Appeals

Ex Parte:

Liberty Mutual Fire Insurance Company, Appellant,

In Re:

Waverly at Hamlin Plantation Townhome Association, Inc., Respondents,

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., Builders Support Services of the Carolinas, Inc., and Wheelock Street Capital, LLC d/b/a John Wieland Homes and Neighborhoods, Inc., Respondents,

and

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., Builders Support Services of the Carolinas, Inc., Respondents,

v.

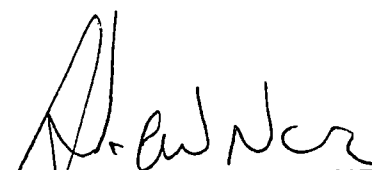
Barr Construction, Inc., Benjamin Mora d/b/a Mora Construction, a/k/a Benjamin Mora Construction, LLC, Builders FirstSource-Atlantic Group, LLC, DBC Construction Services, LLC, Eli, Inc., Gerardo Rosette Sanchez a/k/a GR Painting, George Medina, George Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick & Block Mason, LLC, Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, Latitude Construction Services, LLC, The Muhler Company, Inc., Paul M. Vasquez, Richard Ditullio, Richard Ditullio a/k/a RDT Contracting, LLC, Respondents.

—
CERTIFICATE OF SERVICE
 —

The undersigned certifies that on this 5th day of December 2017, a copy of the foregoing Respondents Named as George Medina and George Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc.’s Motion to be Dismissed from this Appeal, was served by depositing said copy in the US Mail, with sufficient first class postage, on the following counsel at the addresses listed below.

<p>John C. Hayes, IV, Esquire Mary-Margaret Nolan, Esquire Hayes Law Firm 180 Meeting Street, Suite 330 Charleston, SC 29401 jhayes@hayeslaw.org mnoland@hayeslaw.org</p> <p>I. Keith McCarty, Esquire McCarty Law Firm, LLC PO Box 30055 Charleston, SC 29417 ikeithmccarty@gmail.com <i>Attorneys for Plaintiffs</i></p>	<p>Paige C. Ornduff, Esquire Gallivan White & Boyd, PA PO Box 22768 Charleston, SC 29413 pcornduff@gwblawfirm.com</p> <p><i>Attorney for The Muhler Company, Inc.</i></p>
<p>Andrew E. Haselden, Esquire Howser Newman & Besley, LLC 215 East Bay Street, Suite 303 Charleston, SC 29401 ahaselden@hnbllaw.com</p> <p>and</p>	<p>Sarah Fragale, Esquire Turner, Padgett, Graham & Laney, P.A. 40 Calhoun Street Charleston, SC 29401 sfragale@turnerpadgett.com</p> <p><i>Attorney for Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting</i></p>

<p>I. Keith McCarty, Esquire McCarty Law Firm, LLC PO Box 30055 Charleston, SC 29417 ikeithmccarty@gmail.com <i>Attorneys for Plaintiffs</i></p>	
<p>Andrew E. Haselden, Esquire Howser Newman & Besley, LLC 215 East Bay Street, Suite 303 Charleston, SC 29401 ahaselden@hnblaw.com</p> <p>and</p> <p>Theodore L. Manos, Esquire Robertson Hollingsworth Manos & Rahn, LLC 550 King Street, Suite 300 Charleston, SC 29403 tlm@roblaw.net</p> <p><i>Attorneys for 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., and Builders Support Services of the Carolinas, Inc.</i></p>	<p>Sarah Fragale, Esquire Turner, Padget, Graham & Laney, P.A. 40 Calhoun Street Charleston, SC 29401 sfragale@turnerpadget.com</p> <p><i>Attorney for Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting</i></p>



 Andrew N. Cole, #68384 12-5-17



Andrew N. Cole | D: 803.255.0433 | E: acole@collinsandlacy.com

December 5, 2017

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

RECEIVED
DEC 08 2017
SC Court of Appeals

Re: Ex Parte: Liberty Mutual Insurance Company

In Re: Waverly at Hamlin Plantation Townhome Association, Inc. v. John Wieland
Homes and Neighborhoods of the Carolinas, Inc., et al.
Civil Action Number 2013-CP-10-03326
Appellate Number 2017-000474
Claim No. R&A No. TLA10162 & THA10385
C&L File No. 001083-00163

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of Respondents Named as Jeorge Medina and Jeorge Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc.'s Motion to be Dismissed from this Appeal. Also enclosed is a check in the amount of \$25 as the filing fee for this Motion. Please return clocked copies to me in the enclosed self-addressed, stamped envelope.

With warmest regards, I am,

Very truly yours,

Andrew N. Cole

Enclosures

- cc/enc: John C. Hayes, IV, Esquire
- Mary-Margaret Nolan, Esquire
- Paige C. Ornduff, Esquire
- I. Keith McCarty, Esquire
- Andrew E. Haselden, Esquire
- Sarah Fragale, Esquire
- Theodore L. Manos, Esquire

Collins Lacy
ATTORNEYS AT LAW

1330 Lady Street, Sixth Floor (29201) Post Office Box 12487 | Columbia, SC 29211

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

RECEIVED
DEC 08 2017
SC Court of Appeals

Hasler

PRIORITY MAIL

12/05/2017

US POSTAGE \$008.50



ZIP 29201
011E11673897



**UNITED STATES
POSTAL SERVICE**

USPS TRACKING #



9114 9999 4431 4148 3447 19

Label 400 Jan 2013
7880-18-000-7848