

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

RECEIVED

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SC Court of Appeals

Case No.: 2013-CP-10-03326

Case No. 2014-CP-10-4335

Appellate Case No. 2017-000542

Waverly at Hamlin Plantation Townhome Association, Inc., Respondent

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., Defendants,

And

John Wieland Homes and Neighborhoods of the Carolina, 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 Carolina, Inc., Third-Party Plaintiffs,

v.

Barr Construction, Inc., Benjamin Mora Construction d/b/a Mora Construction, LLC, a/k/a Benjamin Mora Construction, LLC, Builders 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, 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, Luan Luis Sanchez a/k/a Sanchez Brothers Painting, LatitudeConstruction Services, LLC, The Muhler Company, Inc., Paul M. Vasquez, Richard Ditullio, Richard Ditullio a/k/a RDT Contracting, LLC, Third-Party Defendants,

Of whom 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., is the Appellant,

And Jorge Medina, Jorge Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, and the Muhler Company, Inc. are the Respondents,

And

Jeffrey Sills Individually and 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. and 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 and Kelly Hager Holmes, Carol and Chris Gillespie, Jarred D. Overcash, Plaintiffs,

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., Wheelock Street Capital, LLC d/b/a John Wieland Homes and Neighborhoods, Inc., Barr Construction, Inc., Benjamin Mora Construction d/b/a Mora Construction, LLC, a/k/a Benjamin Mora Construction, LLC, Builders 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, 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, Luan 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, Defendants,

Of whom 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., is the Appellant,

And Jeffrey Sills Individually and 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. and 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 and Kelly Hager Holmes, Carol and Chris Gillespie, Jarred D. Overcash, are the Respondents

And Jeorge Medina, Jeorge Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, and The Muhler Company, Inc., are the Respondents.

**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**

Comes now Respondents Jeorge Medina and Jeorge Medina 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 and JMC settled the cross-claims asserted by the Wieland entities in the HOA Action and the Class Action after the trial. Because all liability and claims asserted against JMC have been settled, JMC need not be a party to the current appeal by the Wieland entities.

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., (“Wieland”) 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 in January of 2017, with Wieland filing an appeal in March of 2017. In its appeal, Wieland has named various parties as respondents, including JMC. However, none of Wieland’s arguments on appeal directly implicates JMC.

Wieland raises four arguments on appeal:

- I. The trial court erred in bifurcating Appellant’s claims against the third-party defendants.
- II. The trial court erred in numerous evidentiary rulings.
- III. The trial court erred in failing to grant Appellant’s motion for judgment notwithstanding the verdict or for a new trial.
- IV. The trial court erred in failing to grant Appellant’s motion to enforce the enhanced setoff and reduce the judgment because the enhanced setoff arose from a negotiated, good faith agreement that satisfies Rule 43(k), SCRCF.

Plaintiffs in both the HOA Action and the Class Action settled all claims they had against JMC prior to the underlying trial. In pre-trial hearings, the trial judge, Judge Jefferson, bifurcated all of the cross-claims, which were originally third-party claims, asserted by Wieland against JMC, The Muhler Company (“Muhler”), and Sanchez Brothers Painting (“Sanchez”). These bifurcated cross-claims by Wieland against JMC, Muhler and Sanchez were eventually settled *after* the trial. However, in light of the order granting bifurcation, neither JMC, Muhler, nor Sanchez participated in the trial in January. The only parties that participated at trial in January of 2017 were the HOA

and Class Plaintiffs against the Wieland entities.¹ In light of JMC not participating in the underlying trial, JMC was not involved with the arguments regarding and JMC takes no position regarding Wieland's appellate arguments II, III, or IV.

Wieland's first argument on appeal is that it was prejudiced by Judge Jefferson's order bifurcating Wieland's cross-claims from the trial in January. The bifurcation order held that Wieland's cross-claims would be tried separately after the main claims asserted by the HOA and Class Plaintiffs against Wieland were resolved. JMC takes no position regarding whether Wieland suffered any prejudice because of the bifurcated cross-claims. JMC did argue in favor of bifurcation and it believes that the order bifurcating Wieland's cross-claims in this case was correct; nonetheless, from JMC's perspective, the effect of the bifurcation order is moot because Wieland and JMC subsequently settled the cross-claims asserted by Wieland. In light of the settlement of all claims and cross-claims against JMC, JMC takes no position regarding the effect of Wieland's appellate argument I.

The HOA and the Sills Plaintiffs originally filed a cross notice of appeal. The cross notice of appeal was subsequently withdrawn effective October 17, 2017. The HOA and Sills Plaintiffs/Respondents' initial brief on appeal is due on or before December 13, 2017. JMC expects that the HOA and Sills Plaintiffs/Respondents will respond to and disagree with each of Wieland's four appellate arguments; however, for the same reasons articulated above that JMC does not intend to take any position regarding the appellate issues since JMC has been completely settled out of the underlying claims, JMC respectfully submits that any future filings by the HOA and Sills Plaintiffs/Respondents will not affect the relief requested in JMC's motion.

¹ Liberty Mutual Insurance Company, Wieland's insurance carrier, filed a pre-trial motion to intervene in order to present special interrogatories to the jury. Judge Jefferson denied Liberty Mutual's motion to intervene. This denial is the subject of a separate appeal brought by Liberty Mutual, which is pending in the South Carolina Court of Appeals with Appellate Case No. 2017-000474.

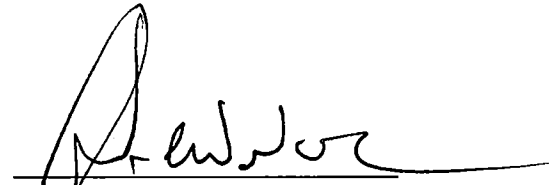
Stipulations of dismissal between Plaintiffs and JMC were filed May 15, 2017, with a formal settlement agreement executed on February 28, 2017. Stipulations of dismissal of Wieland's cross-claims against JMC were filed on June 9, 2017, with a formal settlement agreement executed on April 20, 2017. JMC paid a certain settlement amount to Plaintiffs for the dismissal of all of the claims asserted by the Plaintiffs against JMC. JMC also paid a certain settlement amount to the Wieland entities for the dismissal of all of the cross-claims by the Wieland entities against JMC. In both cases, the settlements were paid in an interest to resolve all litigation between these parties including any appeals, to dismiss with prejudice all claims that were made or that could be made by either Plaintiffs and/or Wieland against JMC, and that JMC did not admit fault or liability in contemplation of the settlements. Copies of the filed Stipulations of Dismissal with prejudice are attached to this motion as Exhibits "A," "B," "C," and "D."

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 participate in the underlying trial, JMC respectfully submits that it need not be a respondent to the current appeal. Although Wieland's first appellate argument addresses the trial court's order bifurcating the cross-claims, thus excusing JMC from having to attend the trial in January, since all of Wieland's cross-claims against JMC are now settled, there is no relief that the Court of Appeals could grant in the current appeal that would revive any claims or liability against JMC. That is, JMC does not take a position in the arguments on appeal and the Court of Appeals does not need any participation from JMC to fully address the issues currently on appeal.

Therefore, JMC respectfully requests the Court to 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,)

**STIPULATION OF DISMISSAL WITH
PREJUDICE AS TO DEFENDANTS
JEORGE MEDINA A/KA JMC**

vs.)

**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,

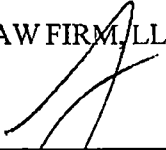
THEREFORE, Pursuant to Rule 41(a), of the South Carolina Rules of Civil Procedure, Plaintiff does hereby dismiss and end its cross-claims in this action with prejudice as to all claims, known or unknown, asserted or not asserted, against Defendants JMC, Muhler, and Sanchez relative to the subject matter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

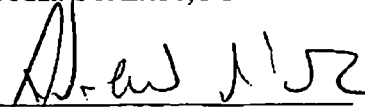


John C. Hayes, IV, Esquire
180 Meeting Street, Suite 330
Charleston, SC 29401

And *By and by necessary to all parts of the agreement*
McCARTY LAW FIRM, LLC

I. Keith McCarty, Esquire
1212 Wapoo Road
Charleston, SC 29407
Clearing
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/ka JMC Construction, LLC
a/ka JMC Construction, Inc.**

2-27-17

GALLIVAN, WHITE & BOYD, PA

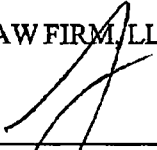
Peter Gunnar Nistad, Esquire
PO Box 22768
Charleston, SC 29413
Attorney for The Muhler Company, Inc.

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

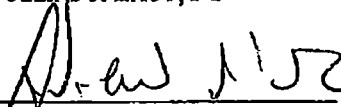


John C. Hayes, IV, Esquire
180 Meeting Street, Suite 330
Charleston, SC 29401

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

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

COLLINS & LACY, PC

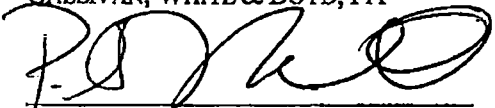


Andrew N. Cole, Esquire
Christopher M. Adams, Esquire
1330 Lady Street, 6th Floor (29201)
PO Box 12487
Columbia, SC 29211

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

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Charleston, SC 29413

Attorney for The Muhler Company, Inc.

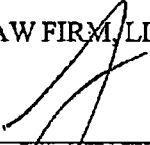
TURNER, PADGET, GRAHAM & LANEY, PA

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:

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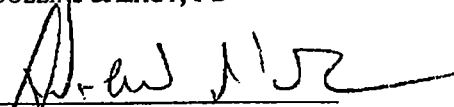


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Charleston, SC 29401

And *Grant your all funds
only receive from
to (clearly)*
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1212 Wapoo Road
Charleston, SC 29407
Attorneys for Plaintiffs

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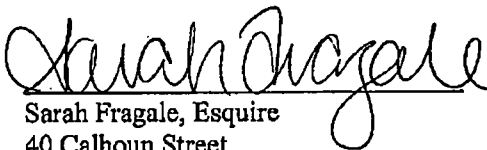
*Attorneys for Defendants George Medina,
George Medina a/ka JMC Construction, LLC
a/ka JMC Construction, Inc.*

2-27-17

GALLIVAN, WHITE & BOYD, PA

Peter Gunnar Nistad, Esquire
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TURNER, PADGET, GRAHAM & LANEY, PA



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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

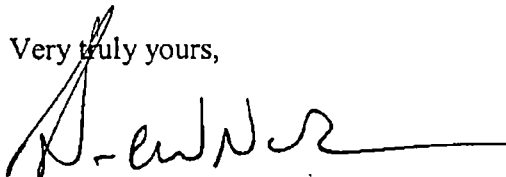
The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401-2258

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,

Andrew N. Cole

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
)
NINTH JUDICIAL CIRCUIT)

Jeffrey Sills as Class Representative, Marie)
Labarowski, Edward and Nancy Peyser,)
Francis Sills, Daniel and Suzanne Ruth,)
Stephanie Adili, Marc and Brandy Lynn,)
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Furtado, Jessica Baucom, Nancy S.)
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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),)

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**

Plaintiffs,)

vs.)

John Wieland Homes and Neighborhoods)

JS
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 Firtsource,)
Inc. a/k/a Builders Firstsource-Southeast)
Group, LLC a/k/a Builders Firstsource-)
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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,)
))
Defendants.)
))

WHEREAS, Plaintiff filed claims against Defendants Jeorge 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 *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

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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

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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 funds to
be received 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*

*all funds
to
C. Conroy*

Andrew N. Cole 2-27-17

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a/k/a JMC Construction, Inc.*

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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
C. Adams*

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. 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, 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 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", with a long horizontal flourish extending to the right.

Andrew N. Cole

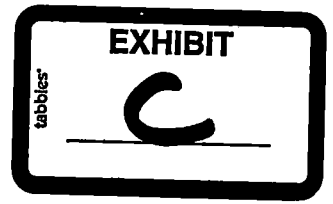
Enclosures
cc/enc: Counsel of Record
(via e-mail)

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 _____

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

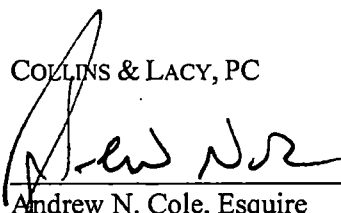
Theodore L. Manos, Esquire
550 King Street, Suite 300
Charleston, SC 29403

***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 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***

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Services of the Carolinas, and John Wieland
Homes and Neighborhoods, Inc.*

GALLIVAN, WHITE & BOYD, PA



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COLLINS & LACY, PC

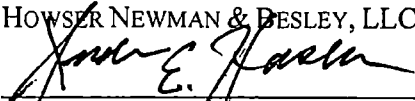
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40 Calhoun Street
Charleston, SC 29401
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*Attorney for Juan Luis Sanchez, Juan Luis
Sanchez a/k/a Sanchez Brothers Painting*

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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

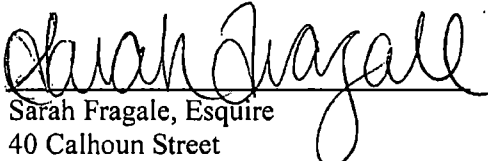
Peter Gunnar Nistad, Esquire
PO Box 22768
Charleston, SC 29413
Attorney for The Muhler Company, Inc.

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1330 Lady Street, 6th Floor (29201)
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a/ka JMC Construction, Inc.*

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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, 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>

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

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

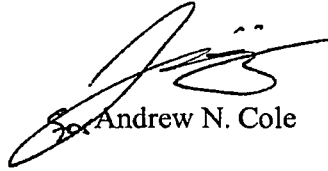
Re: Waverly at Hamlin Plantation Townhome Association, Inc. v. John Wieland Homes and Neighborhoods of the Carolinas, Inc. as successor by statutory merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes of Charleston, Inc., 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, 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
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 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)

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 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

2017 JUN -9 PM 1:48
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____ V

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, 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,)
))
Defendants.)
))

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 *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:

HOWSEY NEWMAN & BESLEY, LLC


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


And

ROBERTSON HOLLINGSWORTH MANOS & RAHN,
LLC

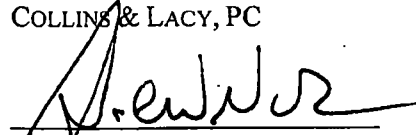
Theodore L. Manos, Esquire
550 King Street, Suite 300
Charleston, SC 29403

*Attorneys for Defendants John Wieland Homes
and Neighborhoods of the Carolinas, Inc., as
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Services of the Carolinas, and John Wieland
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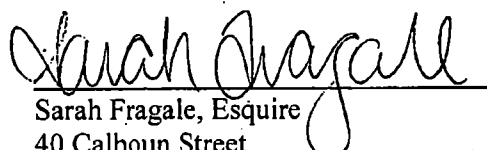
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May 11, 2017

*Attorneys for Defendants George Medina,
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*Attorney for Juan Luis Sanchez, Juan Luis
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sfragale@turnerpadget.com
*Attorney for Juan Luis Sanchez, Juan Luis
Sanchez a/k/a Sanchez Brothers Painting*

2014-CP-10-4335

CERTIFICATE OF SERVICE

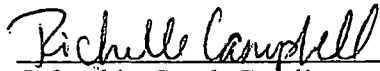
The undersigned employee of Collins & Lacy, P.C., Attorneys at Law, Post Office Box 12487, 1330 Lady Street, Sixth Floor, Columbia, South Carolina 29211, does hereby certify that (s)he has served, or directed someone on his/her behalf to serve, the following named individual(s) with a copy of the pleading(s) 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 ikeythmccarty@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>2017 JUN -9 PM 1:48 JULIE J. ARMSTRONG CLERK OF COURT FILED</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



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

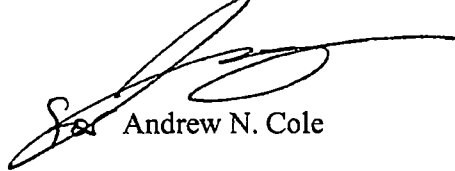
Re: Jeffrey Sills as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephanie Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Marryann Walsh, 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 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", is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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
Case No.: 2014-CP-10-4335
Appellate Case No. 2017-000474

RECEIVED
DEC 07 2017
SC Court of Appeals

Waverly at Hamlin Plantation Townhome Association, Inc., Respondent

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., Defendants,

And

John Wieland Homes and Neighborhoods of the Carolina, 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 Carolina, Inc., Third-Party Plaintiffs,

v.

Barr Construction, Inc., Benjamin Mora Construction d/b/a Mora Construction, LLC, a/k/a Benjamin Mora Construction, LLC, Builders 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, 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, Luan Luis Sanchez a/k/a Sanchez Brothers Painting,

LatitudeConstruction Services, LLC, The Muhler Company, Inc., Paul M. Vasquez, Richard Ditullio, Richard Ditullio a/k/a RDT Contracting, LLC, Third-Party Defendants,

Of whom 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., is the Appellant,

And Jorge Medina, Jorge Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, and the Muhler Company, Inc. are the Respondents,

And

Jeffrey Sills Individually and 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. and 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 and Kelly Hager Holmes, Carol and Chris Gillespie, Jarred D. Overcash, Plaintiffs,

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., Wheelock Street Capital, LLC d/b/a John Wieland Homes and Neighborhoods, Inc., Barr Construction, Inc., Benjamin Mora Construction d/b/a Mora Construction, LLC, a/k/a Benjamin Mora Construction, LLC, Builders 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, 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, Luan 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, Defendants,

Of whom 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., is the Appellant,

And Jeffrey Sills Individually and 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. and 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 and Kelly Hager Holmes, Carol and Chris Gillespie, Jarred D. Overcash, are the Respondents

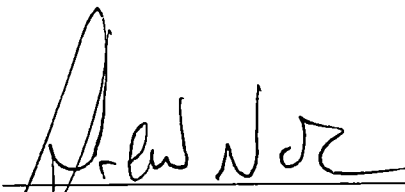
And George Medina, George Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, and The Muhler Company, Inc., are the Respondents.

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>Paige C. Ornduff, Esquire Gallivan White & Boyd, PA PO Box 22768 Charleston, SC 29413 pcornduff@gwblawfirm.com <i>Attorney for The Muhler Company, Inc.</i></p>
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<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, 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>


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



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

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DEC 07 2017

SC Court of Appeals

December 5, 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. 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

Hasler

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12/05/2017

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Collins Lacy
ATTORNEYS AT LAW

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

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

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