

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Clifton Newman, Circuit Court Judge

Appellate Court Case No. 2017-002146

Circuit Court Case No. 2014-CP-26-6573

RECEIVED

JAN 08 2019

SC Court of Appeals

In Re Motions to Intervene in:

The Harbour Cove Condominium Association, Plaintiff,

v.

Centex Homes, a Nevada General Partnership, Centex Construction Company, Inc., Centex Construction, LLC, Centex-Rooney Construction Co., Inc., Centex-Rodgers, Inc., Right Way Group Inc., RWG, Inc., RWGR, Inc., South Carolina State Plastering, LLC, Georgia State Plastering, LLC, Florida State Plastering, LLC Coastal Drywall, Inc., d/b/a Coastal Plaster Systems, Lundy Dowell d/b/a Coastal Plaster Systems, Martin Masonry, Inc., Roof Doctor of the Carolinas, Inc., Richard Blackwell d/b/a Synthetic Designs, Ferst Plastering, Inc., a/k/a Ferst Exteriors, Inc., Coastal Tinting, Inc., BR Brick & Masonry, Inc., Model Home Interiors, Inc., Gary Hunnell d/b/a Grand Strand Roofing, Steven Bosch d/b/a The Roofer Man, Frank Harris d/b/a Frank Harris Construction, Carl Williamson d/b/a Williamson Construction & Waterproofing, Stock Building Supply, LLC, f/k/a Stock Building Supply, Inc., and Morningstar Consultants, Inc., Defendants,

And

Beach Villas at Ocean Keyes Property Owners Association, Inc., Plaintiff,

v.

Ocean Keyes Development, LLC, Keye Construction Co., Inc. Russell P. Baltzer, First Exteriors, LLC, CareFree Exteriors Inc., Coastal Stucco, Inc., Richard H. Construction, LLC a/k/a Ricardo Hernandez d/b/a Richard Framing Con., Inc., Builders FirstSource-Southeast Group, LLC, Steel Homes International, Inc., Renaissance Steel Installation, LLC n/k/a Renaissance Steel, LLC, Benchmark Steel Service, LLC and Dietrich Building Systems n/k/a Clark Western Dietrich Building Systems, LLC, Defendants,

And

Ocean Keyes Development, LLC and Keye Construction Co., Inc., Third-Party Plaintiffs,

v.

Renaissance Steel Installation, LLC f/k/a Renaissance Steel, LLC n/k/a Innovative Steel Technologies, Benchmark Steel Erectors, and Total Construction, LLC, Third-Party Defendants,

Of whom Hartford Fire Insurance Company, Hartford Casualty Insurance Company, Hartford Underwriters Insurance Company, Clarendon National Insurance Company as successor in interest to Clarendon America Insurance Company, National Fire & Marine Insurance Company, Bitco General Insurance Corporation, Selective Insurance Company of South Carolina, Nationwide Mutual Insurance Company f/k/a Harleysville Insurance Company, Canopus US Insurance, Inc., and American Empire Surplus Lines Insurance Company are the Appellants,

And

The Harbour Cove Condominium Association, Beach Villas at Ocean Keyes Property Owners Association, Inc., Ocean Keyes Development, LLC, Keye Construction Co., Inc., and Russell P. Baltzer are the Respondents.

**CANOPIUS US INSURANCE, INC.’S RETURN IN OPPOSITION TO
BEACH VILLAS PROPERTY OWNERS ASSOCIATION, INC.’S
MOTION TO DISMISS APPEAL**

Canopus US Insurance, Inc. appealed the order of the Circuit Court denying its Motion to Intervene. Respondent Beach Villas Property Owners Associates, Inc. (“Beach Villas”) subsequently filed a Motion to Dismiss the Appeal. Beach Villas asserts that Canopus—as well as Appellants Hartford Fire Insurance Company, Hartford Casualty Insurance Company, Hartford Underwriters Insurance Company (collective, “Hartford”) and Selective Insurance Company of South Carolina—does not qualify as “a party aggrieved by an order, judgment, sentence or decision,” pursuant to Rule 201(b), SCACR. Beach Villas contends that because Canopus (and other Appellants) does not qualify as an aggrieved party, this Court lacks jurisdiction over the appeal. The Hartford Appellants have filed a Return in Opposition to Beach Villas’ Motion to Dismiss Appeal.

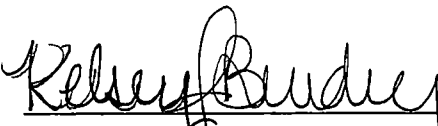
In return in opposition to Beach Villas’ Motion to Dismiss, Canopus hereby incorporates and adopts *in toto* the Hartford Appellants’ Return to the

Motion.¹

Based on the arguments outlined in the Hartford Appellants' Return in Opposition of Beach Villas' Motion to Dismiss, incorporated herein by Canopus, this Court must deny the Motion to Dismiss.

Respectfully submitted,

COLLINS & LACY, P.C.

By: 
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ATTORNEYS FOR APPELLANT
CANOPIUS US INSURANCE, INC.

January 8, 2018
Columbia, South Carolina

¹ Canopus notes that it filed a Motion to Intervene only in regard to the Beach Villas matter.

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And

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And

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v.

Renaissance Steel Installation, LLC f/k/a Renaissance Steel, LLC n/k/a Innovative Steel Technologies, Benchmark Steel Erectors, and Total Construction, LLC, Third-Party Defendants,

Of whom Hartford Fire Insurance Company, Hartford Casualty Insurance Company, Hartford Underwriters Insurance Company, Clarendon National Insurance Company as successor in interest to Clarendon America Insurance Company, National Fire & Marine Insurance Company, Bitco General Insurance Corporation, Selective Insurance Company of South Carolina, Nationwide Mutual Insurance Company f/k/a Harleysville Insurance Company, Canopus US Insurance, Inc., and American Empire Surplus Lines Insurance Company are the Appellants,

And

The Harbour Cove Condominium Association, Beach Villas at Ocean Keyes Property Owners Association, Inc., Ocean Keyes Development, LLC, Keye Construction Co., Inc., and Russell P. Baltzer are the Respondents.

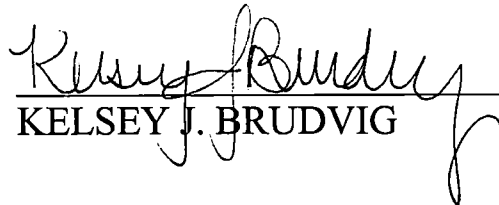
PROOF OF SERVICE

I certify that I have served **CANOPIUS US INSURANCE, INC.’S RETURN IN OPPOSITION TO BEACH VILLAS PROPERTY OWNERS ASSOCIATION, INC.’S MOTION TO DISMISS APPEAL** by depositing a copy of it in the United States Mail, postage prepaid, on January 4, 2018, addressed to their attorneys of records, listed below as follows:

COUNSEL SERVED:

Preston Brittan, Esquire The Brittain Law Firm, PA 4614 Oleander Drive Myrtle Beach, SC 29577 <i>Counsel for Plaintiff</i>	Robert L. Wylie, Esquire James E. Lady, Esquire Mullen Wylie, LLC PO Box 1980 Myrtle Beach, SC 29578 <i>Counsel for Plaintiff</i>
John L. McCants, Esquire Rogers, Lewis, Jackson, Mann & Quinn, LLC Post Office Box 11803 Columbia, SC 29211 <i>Counsel for National Fire & Marine</i>	Robert Lyles, Esquire Joseph K. Cunningham, Esquire Lyles & Lyles, LLC PO Box 773 Charleston, SC 29402 <i>Counsel for Russell Baltzer</i>
Neil S. Haldrup, Esquire Thomas B. Boger, Esquire Wall Templeton & Haldrup, PA Post Office Box 1200 Charleston, SC 29401 <i>Counsel for Clarendon National</i>	Christy E. Mahon, Esquire Mark S. Barrow, Esquire Sweeny Wingate & Barrow, PA Post Office Box 12129 Columbia, SC 29211 <i>Counsel for Hartford</i>
John T. Chakeris, Esquire Chakeris Law Firm 231 Calhoun Street Charleston, SC 29403 <i>Counsel for Harbour Cove</i>	Clay McCullough, Esquire Ross A. Appel, Esquire McCullough Kahn, LLC 359 King Street, Suite 200 Charleston, SC 29401

<i>Condominium Assoc.</i>	<i>Counsel for American Empire Surplus</i>
Patrick J. McDonald, Esquire Resnick & Louis, PC 234 Seven Farms Drive, Suite 128 Charleston, SC 29492 <i>Counsel for Ocean Keyes Development, LLC</i>	Lawrence M. Hunter, Jr., Esquire Hunter & Foster, PA Post Office Box 10309 Greenville, SC 29603 <i>Counsel for Bitco General</i>
Dominic A. Starr, Esquire J. Christopher Clark, Esquire McAngus, Goudelock & Courie, LLC Post Office Box 1349 Myrtle Beach, SC 29578 <i>Counsel for Ocean Keyes Development, LLC & Key Construction Co., Inc.</i>	Phillip W. Sequi, Jr., Esquire Amanda Blundy, Esquire Sequi Law Firm 864 Lowcountry Boulevard, #A Mt. Pleasant, SC 29464 <i>Counsel for Harbour Cove Condominium Assoc.</i>
Robert C. Calamari, Esquire Nelson Mullins Riley & Scarborough, LLP PO Box 3939 Myrtle Beach, SC 29578 <i>Counsel for Selective Insurance Company of SC and Nationwide Mutual Insurance Company n/k/a Harleysville Insurance Company</i>	Shaun W. Cranford, Esquire Cranford Law Post Office Box 50684 Columbia, SC 29250 <i>Counsel for Harbour Cove Condominium Assoc.</i>


KELSEY J. BRUDVIG

Columbia, South Carolina
January 8, 2018



ATTORNEYS AT LAW
Kelsey J. Brudvig | D: 803.255.0418 | E: kbrudvig@collinsandlacy.com

January 8, 2018

HAND DELIVERED

The Honorable Jenny A. Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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SC Court of Appeals

Re: Beach Villas at Ocean Keys Property Owners Association, Inc. v. Ocean Keys Development, LLC; Key Construction Co., Inc.; Russell P. Baltser; First Exteriors, LLC; Carefree Exteriors, Inc., Coastal Stucco, Inc.; Richard H. Construction, LLC a/k/a Ricardo Hernandez d/b/a Richard Framing Con., Inc.; Builders FirstSource-Southeast Group, LLC; Steel Homes International, Inc.; Renaissance Steel Installation, LLC n/k/a Renaissance Steel, LLC; Benchmark Steel Service, LLC; and Dietrich Building System n/k/a Clarkwestern Dietrich Building Systems, LLC v. Ocean Keys Development, LLC and Key Construction Co., Inc. v. Renaissance Steel Installation, LLC n/k/a Renaissance Steel, LLC and Benchmark Steel Erectors
Civil Action No. 2014CP2606573
Claim No. 50213 PKE
C&L File No. 001212-00254

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Canopus US Insurance Company's Return in Opposition to Beach Villas Property Owners Association, Inc.'s Motion to Dismiss Appeal, along with the Proof of Service. Please file the original and return a clocked copy with our courier who will wait.

I am by copy of this letter serving counsel of record with the Return.

Sincerely,


Kelsey J. Brudvig

KJB/msk
Enclosures

cc: *with enclosures*
Counsel of Record



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

The Honorable Jenny A. Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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