

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**  
FEB 16 2018  
SC Court of Appeals

Case No.: 2013-CP-10-03326

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 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., Third-Party Plaintiffs,

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, 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., and Builders Support Services of the Carolinas, Inc., is the Appellant,

And 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, and the Muhler Company, Inc., Defendants,

Of Whom Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, and the Muhler Company, Inc., Respondents.

And

Jeffrey Sills, individually and as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephani Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Maryann Walsh, Patty Whitmire, Donald L. Tomasello and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Jo Feagins, Cindy Hunt for Bentgrass Limited, LLC, Adam A. and Susan S. Sokoloski, William and Carolyn Barone, Michelle Ray, Eugene and Cynthia Ray, William Abel, Dean and Conny Mason, David McCartney, Paul and Patricia Waters, 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, Jared 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., and 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, 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, 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., and 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, Stephani Adili, Marc and Brandy Lynn,

Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Maryann Walsh, Patty Whitmire, Donald L. Tomasello and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Jo Feagins, Cindy Hunt for Bentgrass Limited, LLC, Adam A. and Susan S. Sokoloski, William and Carolyn Barone, Michelle Ray, Eugene and Cynthia Ray, William Abel, Dean and Conny Mason, David McCartney, Paul and Patricia Waters, 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, Jared D. Overcash, are the Respondents,

And 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, and the Muhler Company, Inc., Defendants,

Of Whom Juan Luis Sanchez a/k/a Sanchez Brothers Painting, and the Muhler Company, Inc., are the Respondents.

---

**RESPONDENTS JUAN LUIS SANCHEZ AND JUAN LUIS SANCHEZ A/K/A  
SANCHEZ BROTHERS PAINTING'S MOTION TO BE DISMISSED FROM THIS  
PENDING APPEAL**

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COMES NOW Respondent, Juan Luis Sanchez and Juan Luis Sanchez a/k/a Sanchez Brothers Painting (hereinafter "Sanchez") who respectfully moves this Court for an Order pursuant to Rule 240, SCACR, for dismissal of Sanchez from this appeal. Sanchez settled with the Plaintiffs in the underlying HOA action (C/A No. 2013-CP-10-3326) and in the Class Action (C/A No. 2014-CP-10-4335) prior to the January 2017 trial. Shortly after the underlying trial concluded, Sanchez settled the cross-claims asserted by the Wieland entities. Since all liability against Sanchez has been resolved through settlement, Sanchez does not need to be involved in the present 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., and Builders Support Services of the

Carolinās, Inc. (“Wieland”) filed its appeal stemming from the trial of *Waverly at 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).

Sanchez settled all underlying claims and liability which were brought by the Plaintiffs prior to the underlying trial. In pre-trial hearings, the trial judge, Judge Deadra Jefferson, bifurcated all of the cross-claims asserted by Wieland against Sanchez, George Medina, George Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc. (“JMC”), and the Muhler Company, Inc. (“Muhler”). As such, Sanchez, JMC, and Muhler did not participate in the underlying January 2017 trial. The bifurcated cross claims were settled *after* the January 2017 trial.

In March 2017, Wieland filed an appeal. In its appeal, Wieland named various parties as respondents to the appeal, including Sanchez. Wieland raised the following on appeal:

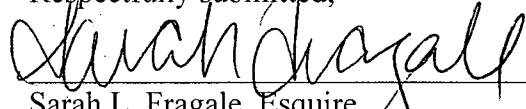
- I. The trial court erred in bifurcating Appellant’s claims against the third-party defendants;
- II. The trial court erred in numerous evidentiary rulings;
- III. The trial court erred in failing to grant appellant’s motion for judgment notwithstanding the verdict or for new trial; and
- IV. The trial 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), SCRPC.

Since Sanchez did not participate in the underlying trial, Sanchez was not involved with the arguments and Sanchez takes no position regarding Wieland’s appellate arguments II through IV. As to Wieland’s appellate argument I, the bifurcation order held that Wieland’s cross claims

would be tried separately after the main claims asserted by the HOA and Class Action Plaintiffs against Wieland were tried. The effect of the bifurcation is moot because Wieland and Sanchez subsequently settled the cross claims asserted by Wieland. In light of the settlement of all claims and cross claims against Sanchez, Sanchez takes no position regarding whether Wieland suffered any prejudice because of the bifurcated cross claims.

Stipulations of dismissal between the Plaintiffs and Sanchez in both the HOA and Class Action were filed on May 15, 2017, with a formal settlement agreement executed on February 28, 2017. (Copies of the filed Stipulation of Dismissal with Prejudice are attached to this motion as Exhibit A and B respectively). Stipulations of dismissal as to Wieland entities' cross claims against Sanchez in both the HOA and Class Action were filed on June 9, 2017, with a formal settlement agreement executed on April 20, 2017. (Copies of the filed Stipulation of Dismissal with Prejudice are attached to this motion as Exhibit C and D respectively). Sanchez also paid a certain settlement amount to the Wieland entities for the dismissal of all the cross-claims Wieland entities asserted against Sanchez. 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 the Plaintiffs and/or Wieland against Sanchez, and that Sanchez did not admit liability in contemplation of the settlements. Since all of Wieland's cross claims against Sanchez have been resolved, there is no relief that the Court of Appeals could grant in the current appeal that would revive any claims or liability against Sanchez. Accordingly, Sanchez respectfully requests this Court to dismiss Sanchez as a Respondent to this appeal.

Respectfully submitted,



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SC Bar No.: 80120

February 15, 2018

ATTORNEY FOR JUAN LUIS SANCHEZ  
AND JUAN LUIS SANCHEZ A/K/A  
SANCHEZ BROTHERS PAINTING

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  
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**

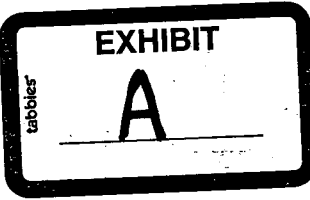
vs. )

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, 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 *Grant your accounts to [unclear] all funds*  
McCARTY LAW FIRM, LLC *(clearing)*

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

GALLIVAN, WHITE & BOYD, PA

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Peter Gunnar Nistad, Esquire  
PO Box 22768  
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*Attorney for The Muhler Company, Inc.*

COLLINS & LACY, PC

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

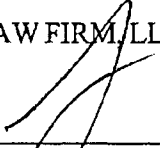
TURNER, PADGET, GRAHAM & LANEY, PA

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*Attorney for Juan Luis Sanchez, Juan Luis  
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2-27-17

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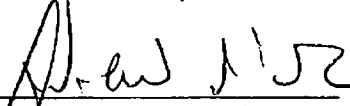
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And *Based on your all funds  
being received from  
to [unclear]  
(contingent)*  
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Charleston, SC 29407  
*Attorneys for Plaintiffs*

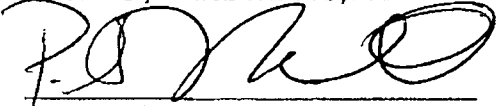
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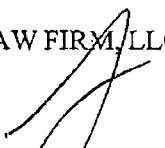
  
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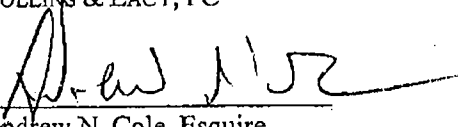
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(clearing)*  
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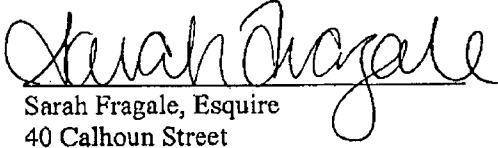
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Sanchez a/k/a Sanchez Brothers Painting*

2-27-17



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., Jeorge Medina, Jeorge 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 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 'A. 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

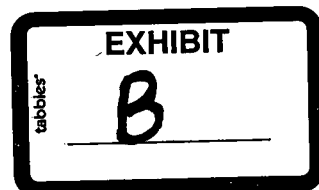
**STIPULATION OF DISMISSAL WITH PREJUDICE AS TO DEFENDANTS  
JEORGE MEDINA A/KA JMC CONSTRUCTION, LLC A/KA JMC CONSTRUCTION, INC.; THE MUHLER COMPANY, INC.; AND JUAN LUIS SANCHEZ, JUAN LUIS SANCHEZ A/KA SANCHEZ BROTHERS PAINTING**

*[Handwritten signature]*

JULIE J. ARMSTRONG  
CLERK OF COURT

2017 MAY 15 PM 2:44

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. )  
)

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**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

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**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)

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*Attorney for Juan Luis Sanchez, Juan Luis  
Sanchez a/k/a Sanchez Brothers Painting*

*Based upon all funds  
being received prior to  
C.C. August*

*Andrew N. Cole 2-27-17*

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And

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

TURNER, PADGET, GRAHAM & LANEY, PA

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Charleston, SC 29401  
sfragale@turnerpadget.com  
*Attorney for Juan Luis Sanchez, Juan Luis  
Sanchez a/k/a Sanchez Brothers Painting*

*Based upon all facts to  
be used in this  
CC (Confidential)*

*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, 6<sup>th</sup> 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 points  
to  
plaintiffs  
(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. 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', written over a horizontal line.

Andrew N. Cole

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

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 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**

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, 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 JUN -9 PM 1:46  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY [Signature]

**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 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**, 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

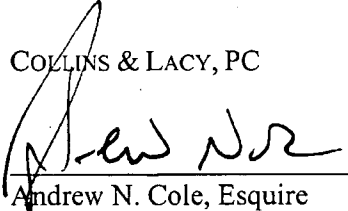
*Attorneys for Defendants John Wieland Homes  
and Neighborhoods of the Carolinas, Inc., as  
successor by statutory merger to John Wieland  
Homes and Neighborhoods of South Carolina,  
Inc., John Wieland Homes of Charleston, Inc.,  
John Wieland Homes, Inc., Builders Support  
Services of the Carolinas, 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, 6<sup>th</sup> 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.*

May 11, 2017

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

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Andrew E. Haselden, Esquire  
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Charleston, SC 29401

*And*

ROBERTSON HOLLINGSWORTH MANOS & RAHN,  
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Theodore L. Manos, Esquire  
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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

---

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Christopher M. Adams, Esquire  
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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

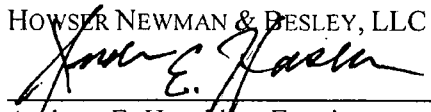
---

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:**

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, 6<sup>th</sup> 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*

2013-CP-10-3326

**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 <a href="mailto:jhayes@hayeslaw.org">jhayes@hayeslaw.org</a> <a href="mailto:mnoland@hayeslaw.org">mnoland@hayeslaw.org</a></p> <p>I. Keith McCarty, Esquire McCarty Law Firm, LLC PO Box 30055 Charleston, SC 29417 <a href="mailto:ikeithmccarty@gmail.com">ikeithmccarty@gmail.com</a> <i>Attorneys for Plaintiffs</i></p>	<p>Peter Gunnar Nistad, Esquire Gallivan White &amp; Boyd, PA PO Box 22768 Charleston, SC 29413 <a href="mailto:gnistad@gwblawfirm.com">gnistad@gwblawfirm.com</a></p> <p><i>Attorney for The Muhler Company, Inc.</i></p> <p>FILED 2017 JUN -9 PM 1:47 JULIE J. ARMSTRONG CLERK OF COURT</p>
<p>Andrew E. Haselden, Esquire Howser Newman &amp; Besley, LLC 215 East Bay Street, Suite 303 Charleston, SC 29401 <a href="mailto:ahaselden@hnblaw.com">ahaselden@hnblaw.com</a></p> <p>and</p> <p>Theodore L. Manos, Esquire Robertson Hollingsworth Manos &amp; Rahn, LLC 550 King Street, Suite 300 Charleston, SC 29403 <a href="mailto:tlm@roblaw.net">tlm@roblaw.net</a></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 &amp; Laney, P.A. 40 Calhoun Street Charleston, SC 29401 <a href="mailto:sfragale@turnerpadget.com">sfragale@turnerpadget.com</a></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 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**

*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

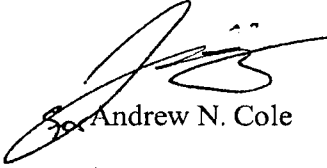
Re: Waverly at Hamlin Plantation Townhome Association, Inc. v. John Wieland Homes and Neighborhoods of the Carolinas, Inc. as successor by statutory merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes of Charleston, Inc.,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

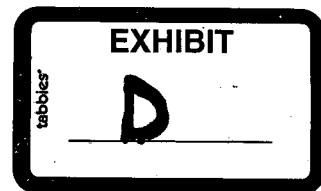
BY \_\_\_\_\_ )

W

JULIE J. ARMSTRONG  
CLERK OF COURT

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

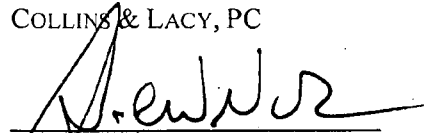
Theodore L. Manos, Esquire  
550 King Street, Suite 300  
Charleston, SC 29403

*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, 6<sup>th</sup> Floor (29201)  
PO Box 12487  
Columbia, SC 29211

*May 11, 2017*

*Attorneys for Defendants Jeorge 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:**

HOWSER NEWMAN & BESLEY, LLC

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Andrew E. Haselden, Esquire  
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*And*

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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  
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COLLINS & LACY, PC

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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*

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  <a href="mailto:jhayes@hayeslaw.org">jhayes@hayeslaw.org</a>  <a href="mailto:mnoland@hayeslaw.org">mnoland@hayeslaw.org</a></p> <p>I. Keith McCarty, Esquire  McCarty Law Firm, LLC  PO Box 30055  Charleston, SC 29417  <a href="mailto:ikeithmccarty@gmail.com">ikeithmccarty@gmail.com</a>  Attorneys for Plaintiffs</p>	<p>Peter Gunnar Nistad, Esquire  Gallivan White &amp; Boyd, PA  PO Box 22768  Charleston, SC 29413  <a href="mailto:gnistad@gwblawfirm.com">gnistad@gwblawfirm.com</a></p> <p><i>Attorney for The Muhler Company, Inc.</i></p> <p style="text-align: right;">2017 JUN -9 PM 1:48  JULIE J ARMSTRONG  CLERK OF COURT</p> <p style="text-align: right; font-size: 2em; font-weight: bold;">FILED</p>
<p>Andrew E. Haselden, Esquire  Howser Newman &amp; Besley, LLC  215 East Bay Street, Suite 303  Charleston, SC 29401  <a href="mailto:ahaselden@hnblaw.com">ahaselden@hnblaw.com</a></p> <p>and</p> <p>Theodore L. Manos, Esquire  Robertson Hollingsworth Manos &amp; Rahn, LLC  550 King Street, Suite 300  Charleston, SC 29403  <a href="mailto:t1m@roblaw.net">t1m@roblaw.net</a></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 &amp; Laney, P.A.  40 Calhoun Street  Charleston, SC 29401  <a href="mailto:sfragale@turnerpadget.com">sfragale@turnerpadget.com</a></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

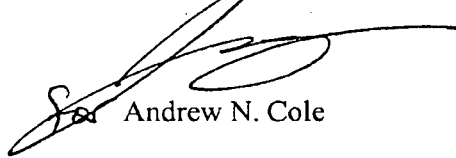
Re: Jeffrey Sills as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephanie Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Marryann Walsh, 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 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) 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, 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  
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.

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

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APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

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Case No.: 2013-CP-10-03326

Appellate Case No.: 2017-000542

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**RECEIVED**  
FEB 16 2018  
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 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., Third-Party Plaintiffs,

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, Jorge Medina, Jorge 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, 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., and Builders Support Services of the Carolinas, Inc., is the Appellant,

And 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, and the Muhler Company, Inc., Defendants,

Of Whom Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, and the Muhler Company, Inc., Respondents.

And

Jeffrey Sills, individually and as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephani Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Maryann Walsh, Patty Whitmire, Donald L. Tomasello and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Jo Feagins, Cindy Hunt for Bentgrass Limited, LLC, Adam A. and Susan S. Sokoloski, William and Carolyn Barone, Michelle Ray, Eugene and Cynthia Ray, William Abel, Dean and Conny Mason, David McCartney, Paul and Patricia Waters, 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, Jared 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., and 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, 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, 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., and 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, Stephani Adili, Marc and Brandy Lynn,

Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Maryann Walsh, Patty Whitmire, Donald L. Tomasello and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Jo Feagins, Cindy Hunt for Bentgrass Limited, LLC, Adam A. and Susan S. Sokoloski, William and Carolyn Barone, Michelle Ray, Eugene and Cynthia Ray, William Abel, Dean and Conny Mason, David McCartney, Paul and Patricia Waters, 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, Jared D. Overcash, are the Respondents,

And 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, and the Muhler Company, Inc., Defendants,

Of Whom Juan Luis Sanchez a/k/a Sanchez Brothers Painting, and the Muhler Company, Inc., are the Respondents.

---

### CERTIFICATE OF SERVICE

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On February 15, 2018, I mailed a copy of Respondents Juan Luis Sanchez and Juan Luis Sanchez a/k/a Sanchez Brothers Painting's Motion to Be Dismissed from this Pending Appeal to:

Andrew Haselden  
215 East Bay Street, Suite 303  
Charleston, South Carolina 29401

Justin Novak  
Post Office Drawer H  
Charleston, South Carolina 29402

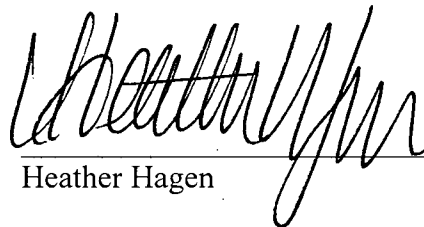
Theodore Manos  
550 King Street, Suite 300  
Charleston, South Carolina 29403

I. Keith McCarty  
Post Office Box 30055  
Charleston, South Carolina 29417

John Calvin Hayes, IV  
180 Meeting Street, Suite 330  
Charleston, South Carolina 29401

Jesse Sanchez  
98 ½ Broad Street, Suite B  
Charleston, South Carolina 29401

Peter Gunnar Nistad  
3614 Ashley Phosphate Road  
North Charleston, South Carolina 29418

  
Heather Hagen

# Turner | Padget

**SARAH L. FRAGALE**  
Direct Dial: (843) 579-8308  
Direct Fax: (843) 577-1626  
[sfragale@turnerpadget.com](mailto:sfragale@turnerpadget.com)

February 15, 2018

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

**RECEIVED**  
FEB 16 2018  
SC Court of Appeals

Re: **Waverly at Hamlin Plantation Townhome Association, Inc. v. John Wieland Homes and Neighborhoods of the Carolinas, Inc. et al.**

Docket No.: 2013-CP-10-3326  
Appellate No.: 2017-000542  
TP File No.: 987.987

Dear Ms. Kitchings:

I enclose the original and seven copies of Respondents Juan Luis Sanchez and Juan Luis Sanchez a/k/a Sanchez Brothers Painting's Motion to Be Dismissed from this Pending Appeal. Also enclosed is a check in the amount of \$25 for costs associated with filing this Motion. Please return a clocked copy to me in the enclosed, self-addressed stamped envelope. With kind regards,

TURNER PADGET

  
Sarah L. Fragale

SLF/hah  
Enclosures  
cc: counsel of record (with enclosures)

Hasler

PRIORITY MAIL

02/15/2018

US POSTAGE

\$08.50<sup>00</sup>



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**Turner | Padgett**

P.O. Box 22129, Charleston, SC 29413

**RECEIVED**

FEB 16 2018

SC Court of Appeals



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7890-16-000-7898

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



For Domestic and International Use

Label 107R, May 2014