

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

Case No.: 2013-CP-10-03326

Appellate Case No.: 2017-000474

RECEIVED
FEB 16 2018
SC Court of Appeals

Ex Parte:

Liberty Mutual Fire Insurance Company, Appellant,

In Re:

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

v.

John Wieland Homes and Neighborhoods of the Carolinas, Inc. as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes, Inc., and Builders Support Services of the Carolinas, Inc., and Wheelock Street Capital, LLC d/b/a John Wieland Homes and Neighborhoods, Inc., Respondents,

and

John Wieland Homes and Neighborhoods of the Carolinas, Inc. as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes, Inc., and Builders Support Services of the Carolinas, Inc., Respondents,

v.

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

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

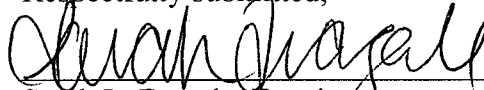
COMES NOW Respondent, Juan Luis Sanchez and Juan Luis Sanchez a/k/a Sanchez Brothers Painting (hereinafter "Sanchez") who respectfully moves this Court for an Order pursuant to Rule 240, SCACR, for dismissal of Sanchez from this appeal. Sanchez settled with the Plaintiffs in the underlying HOA action (C/A No. 2013-CP-10-3326) and in the Class Action (C/A No. 2014-CP-10-4335) prior to the trial from which Liberty Mutual Fire Insurance Company (hereinafter "Liberty Mutual") now appeals. 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 and since the appeal involves arguments made pre-trial by Liberty Mutual, the Wieland entities, and the Plaintiffs only, Sanchez does not need to be involved in the present appeal.

Liberty Mutual 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). These cases were tried in January 2017, with Liberty Mutual filing an appeal in February 2017 as to the trial court's denial of its Motion to Intervene. In its appeal, Liberty Mutual named various parties as respondents to the appeal, including Sanchez.

Sanchez settled all underlying claims and liability which were brought by the Plaintiffs and by the Wieland entities. Liberty Mutual is the insurance carrier for the Wieland entities and has no relationship with Sanchez. Sanchez did not participate in the January 2017 trial since it had settled with the Plaintiffs prior to trial and the cross-claims asserted by the Wieland entities were bifurcated. Accordingly, Sanchez did not participate in the arguments between Liberty Mutual, the Wieland entities, and the Plaintiffs on Liberty Mutual's Motion to Intervene, which arguments and decision are the subject of the current appeal.

Stipulations of dismissal between 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). Accordingly, all claims against Sanchez have been resolved. Therefore, Sanchez respectfully requests this Court to dismiss Sanchez as a Respondent to this appeal.

Respectfully submitted,



Sarah L. Fragale, Esquire
Turner Padgett Graham Laney
40 Calhoun Street, Suite 200
Charleston, SC 29401
T: 843-579-8308
sfragale@turnerpadgett.com
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.)

[Handwritten signature]
JULIE J. ARMSTRONG
CLERK OF COURT
2017 MAY 15 PM 2:42
FILED

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



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

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

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

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

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

(Signatures on next page)

WE, THE UNDERSIGNED, SO STIPULATE:

HAYES LAW FIRM, LLC

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

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

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

GALLIVAN, WHITE & BOYD, PA

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

COLLINS & LACY, PC

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

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

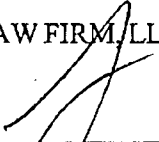
TURNER, PADGET, GRAHAM & LANEY, PA

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

2-27-17

WE, THE UNDERSIGNED, SO STIPULATE:

HAYES LAW FIRM, LLC

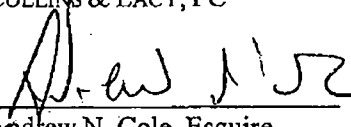


John C. Hayes, IV, Esquire
180 Meeting Street, Suite 330
Charleston, SC 29401

And *By not your all funds
buy accounts
to clearing*
McCARTY LAW FIRM, LLC

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

COLLINS & LACY, PC

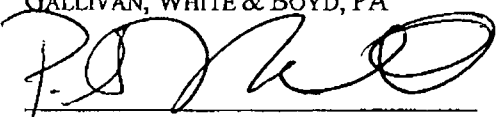


Andrew N. Cole, Esquire
Christopher M. Adams, Esquire
1330 Lady Street, 6th Floor (29201)
PO Box 12487
Columbia, SC 29211

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

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
only receipts paid to
(clearly)*
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/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*



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

May 11, 2017

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

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

Dear Ms. Armstrong:

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

With warmest regards, I am,

Very truly yours,

A handwritten signature in black ink, appearing to read '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

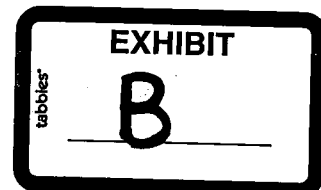
**STIPULATION OF DISMISSAL WITH PREJUDICE AS TO DEFENDANTS
GEORGE MEDINA A/KA JMC CONSTRUCTION, LLC A/KA JMC CONSTRUCTION, INC.; THE MUHLER COMPANY, INC.; AND JUAN LUIS SANCHEZ, JUAN LUIS SANCHEZ A/KA SANCHEZ BROTHERS PAINTING**

[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.)
)

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

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

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

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

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

(Signatures on next page)

WE, THE UNDERSIGNED, SO STIPULATE:

HAYES LAW FIRM, LLC

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

And

MCCARTY LAW FIRM, LLC

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

GALLIVAN, WHITE & BOYD, PA

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

COLLINS & LACY, PC

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

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

TURNER, PADGET, GRAHAM & LANEY, PA

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

*Based on your all funds to
copy records please
C.C. Padgett*

Andrew N. Cole 2-27-17

WE, THE UNDERSIGNED, SO STIPULATE:

HAYES LAW FIRM, LLC

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

MCCARTY LAW FIRM, LLC

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

GALLIVAN, WHITE & BOYD, PA

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

COLLINS & LACY, PC

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

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

TURNER, PADGET, GRAHAM & LANEY, PA

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

WE, THE UNDERSIGNED, SO STIPULATE:

HAYES LAW FIRM, LLC

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

MCCARTY LAW FIRM, LLC

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

GALLIVAN, WHITE & BOYD, PA

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

COLLINS & LACY, PC

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

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

TURNER, PADGET, GRAHAM & LANEY, PA

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

*Based upon all prints
copy records prior to
(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". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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,)

vs.)

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

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 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

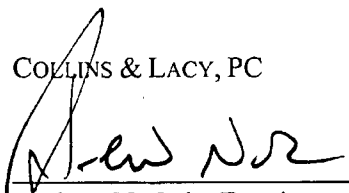
Theodore L. Manos, Esquire
550 King Street, Suite 300
Charleston, SC 29403

*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*

WE, THE UNDERSIGNED, SO STIPULATE:

HOWSER NEWMAN & BESLEY, LLC

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

And

ROBERTSON HOLLINGSWORTH MANOS & RAHN,
LLC

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

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

GALLIVAN, WHITE & BOYD, PA



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

COLLINS & LACY, PC

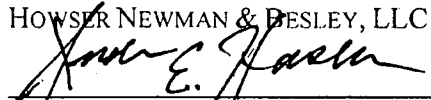
Andrew N. Cole, Esquire
Christopher M. Adams, Esquire
1330 Lady Street, 6th Floor (29201)
PO Box 12487
Columbia, SC 29211
*Attorneys for Defendants George Medina,
George Medina a/ka JMC Construction, LLC
a/ka JMC Construction, Inc.*

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 & DESLEY, LLC


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

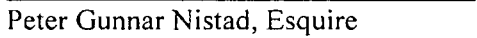
And

ROBERTSON HOLLINGSWORTH MANOS & RAHN,
LLC

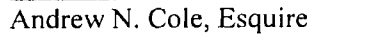
Theodore L. Manos, Esquire
550 King Street, Suite 300
Charleston, SC 29403

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

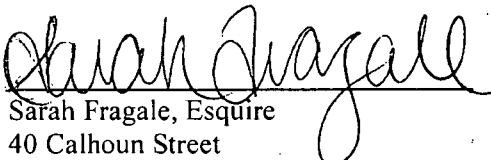
GALLIVAN, WHITE & BOYD, PA


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

COLLINS & LACY, PC


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

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 jhayes@hayeslaw.org mnoland@hayeslaw.org</p> <p>I. Keith McCarty, Esquire McCarty Law Firm, LLC PO Box 30055 Charleston, SC 29417 ikeithmccarty@gmail.com <i>Attorneys for Plaintiffs</i></p>	<p>Peter Gunnar Nistad, Esquire Gallivan White & Boyd, PA PO Box 22768 Charleston, SC 29413 gnistad@gwblawfirm.com</p> <p><i>Attorney for The Muhler Company, Inc.</i></p> <p>FILED 2017 JUN -9 PM 1:47 JULIE J. ARMSTRONG CLERK OF COURT SC</p>
<p>Andrew E. Haselden, Esquire Howser Newman & Besley, LLC 215 East Bay Street, Suite 303 Charleston, SC 29401 ahaselden@hnblaw.com</p> <p>and</p> <p>Theodore L. Manos, Esquire Robertson Hollingsworth Manos & Rahn, LLC 550 King Street, Suite 300 Charleston, SC 29403 tlm@roblaw.net</p> <p><i>Attorneys for John Wieland Homes and Neighborhoods of the Carolinas, Inc. as successor by statutory merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes, Inc., and Builders Support Services of the Carolinas, Inc.</i></p>	<p>Sarah Fragale, Esquire Turner, Padget, Graham & Laney, P.A. 40 Calhoun Street Charleston, SC 29401 sfragale@turnerpadget.com</p> <p><i>Attorney for Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting</i></p>

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

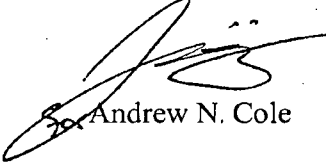
Re: Waverly at Hamlin Plantation Townhome Association, Inc. v. John Wieland Homes and Neighborhoods of the Carolinas, Inc. as successor by statutory merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes of Charleston, Inc.,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

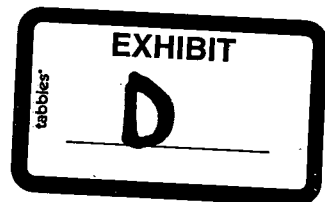
STIPULATION OF DISMISSAL WITH PREJUDICE OF DEFENDANT JOHN WIELAND HOMES AND NEIGHBORHOODS OF THE CAROLINAS, INC., AS SUCCESSOR BY STATUTORY MERGER TO JOHN WIELAND HOMES AND NEIGHBORHOODS OF SOUTH CAROLINA, INC., JOHN WIELAND HOMES OF CHARLESTON, INC., JOHN WIELAND HOMES, INC., BUILDERS SUPPORT SERVICES 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

RY _____

JULIE J. ARMSTRONG
CLERK OF COURT

2017 JUN -9 PM 1:48

FILED



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

WHEREAS, 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 *Waverly at Hamlin Plantation Townhome Association, Inc. v. John Wieland Homes and Neighborhoods of the Carolinas, Inc., et al* (C/A No. 2013-CP-10-3326); and

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


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

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

(Signatures on next page)

WE, THE UNDERSIGNED, SO STIPULATE:

HOWSER NEWMAN & BESLEY, LLC


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

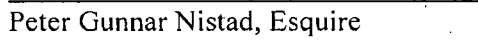
And

ROBERTSON HOLLINGSWORTH MANOS & RAHN,
LLC

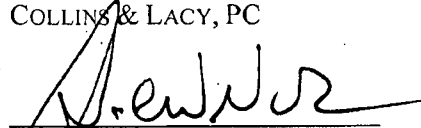
Theodore L. Manos, Esquire
550 King Street, Suite 300
Charleston, SC 29403

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

GALLIVAN, WHITE & BOYD, PA


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

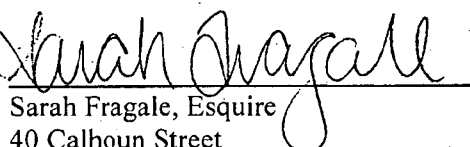
COLLINS & LACY, PC


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

*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

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

And

ROBERTSON HOLLINGSWORTH MANOS & RAHN,
LLC

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

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

GALLIVAN, WHITE & BOYD, PA



Peter Gunnar Nistad, Esquire
PO Box 22768
Charleston, SC 29413

Attorney for The Muhler Company, Inc.

COLLINS & LACY, PC

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

*Attorneys for Defendants 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 jhayes@hayeslaw.org mnoland@hayeslaw.org</p> <p>I. Keith McCarty, Esquire McCarty Law Firm, LLC PO Box 30055 Charleston, SC 29417 ikeithmccarty@gmail.com <i>Attorneys for Plaintiffs</i></p>	<p>Peter Gunnar Nistad, Esquire Gallivan White & Boyd, PA PO Box 22768 Charleston, SC 29413 gnistad@gwblawfirm.com</p> <p><i>Attorney for The Muhler Company, Inc.</i></p> <p>FILED JULIE J. ARMSTRONG CLERK OF COURT 2017 JUN -9 PM 1:48</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

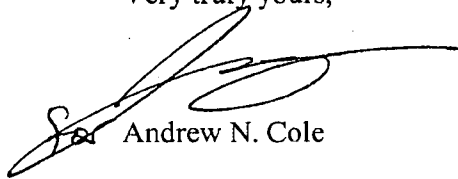
Re: Jeffrey Sills as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephanie Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Marryann Walsh,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

Andrew N. Cole

Enclosures

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

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

Case No.: 2013-CP-10-03326

Appellate Case No.: 2017-000474

RECEIVED
FEB 16 2018
SC Court of Appeals

Ex Parte:

Liberty Mutual Fire Insurance Company, Appellant,

In Re:

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

v.

John Wieland Homes and Neighborhoods of the Carolinas, Inc. as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes, Inc., and Builders Support Services of the Carolinas, Inc., and Wheelock Street Capital, LLC d/b/a John Wieland Homes and Neighborhoods, Inc., Respondents,

and

John Wieland Homes and Neighborhoods of the Carolinas, Inc. as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes, Inc., and Builders Support Services of the Carolinas, Inc., Respondents,

v.

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

CERTIFICATE OF SERVICE

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

February 15, 2018

RECEIVED
FEB 16 2018
SC Court of Appeals

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

Re: Ex Parte: Liberty Mutual Insurance Company

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.: 2017-000474
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)

Häster

PRIORITY MAIL

02/15/2018

US POSTAGE

\$08.50⁰⁰



ZIP 29401
011D11647637

987.987

Turner | Padgett

P.O. Box 22129, Charleston, SC 29413

RECEIVED
FEB 16 2018
SC Court of Appeals

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

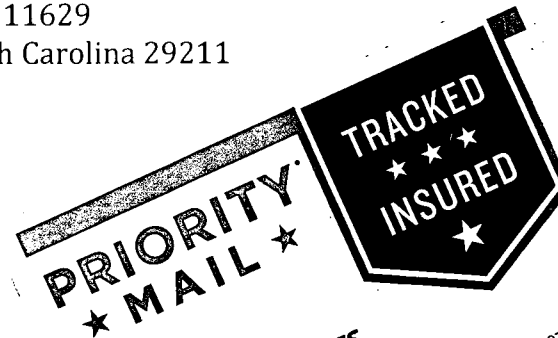


USPS TRACKING #



9114 9014 9645 1481 2171 79

Label 400 Jan. 2013
7680-16-000-7948



For Domestic and International Use

Label 107R, May 2014