

2013

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

JUN 11 2018

SC Court of Appeals

Case No. 2013-CP-10-3326
Case No. 2014-CP-10-4335
Appellate Case No. 2017-000542

Waverly at Hamlin Plantation Townhome Association, Inc., **Respondent**,

v.

John Wieland Homes and Neighborhoods of the Carolinas, Inc. as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes, Inc., **Defendants**,

And

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

v.

Barr Construction, Inc., Benjamin Mora d/b/a Mora Construction, a/k/a Benjamin Mora Construction, LLC, Builders FirstSource, Inc., a/k/a Builders FirstSource-Southeast Group, LLC, a/k/a Builders FirstSource-Atlantic Group, LLC, DBC Construction Services, LLC, Eli, Inc, Gerardo Rosette Sanchez a/k/a GR Painting, George Medina, George Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick & Block Mason, LLC, Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanches 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., Builders Support Services of the Carolinas, Inc., is the **Appellant**,

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

And

Jeffery 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., Builders Support Services of the Carolinas, Inc., Wheelock Street Capital, LLC d/b/a Jon Wieland Homes and Neighborhoods, Inc., Bar 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, Gerardo Rosette Sanchez a/k/a GR Painting, Jeorge Medine 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 a/k/a Sacher Brothers Painting, Latitude Construction Services, LLC, The Muhler Company, Inc., Paul M. Vasque, Richard Ditullio, Richard Ditullio a/k/a ROT Contracting, LLC, **Defendants**,

Of whom John Wieland Homes and Neighborhoods of the Carolinas, Inc. as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes, Inc., Builders Support Services of the Carolinas, Inc., is the **Appellant**,

And Jeffrey Sills, Individually and as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, 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

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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 Gilespeie, Jared D. Overcash, are the **Respondents**,

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

**MOTION FOR JUSTIN PAUL NOVAK
TO BE RELIEVED AS COUNSEL**

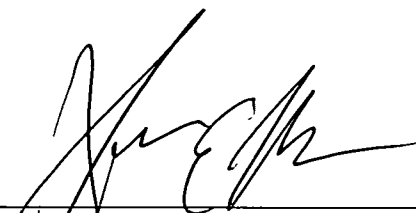
1. Subsequent to this appeal being filed, Justin Paul Novak left the law firm of Howser, Newman & Besley, LLC. As such, he ceased to be counsel for Appellant John Wieland Homes and Neighborhoods of the Carolinas, Inc. as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes, Inc., Builders Support Services of the Carolinas, Inc. ("JWH").
2. Through inadvertence, the removal of Justin Paul Novak as counsel for Appellant JWH never occurred although counsel for Appellant JWH ceased listing Justin Paul Novak as one of the attorneys for Appellant JWH in its filings with this Court.
3. As Andrew E. Haselden of Howser, Newman & Besley, LLC, and Theodore L. Manos of Robertson, Hollingsworth, Manos & Rahn, LLC, remain attorneys for Appellant JWH, Appellant JWH does not oppose Justin Paul Novak being relieved as one of its attorneys in this matter and no other party to this appeal is directly affected by the removal of Justin Paul Novak as counsel for Appellant JWH, no party to this appeal will be prejudiced by the relief requested.

4. As such, Justin Paul Novak hereby moves to be relieved as counsel for Appellant JWH and Appellant JWH, through its undersigned counsel, hereby consents.

I SO MOVE:


Justin Paul Novak, Esquire
June 7, 2018

I CONSENT ON BEHALF OF APPELLANT JWH:


Andrew E. Haselden, Esquire
June 7, 2018

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And

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v.

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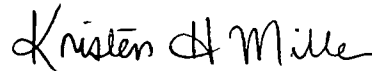
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And Jeorge Medina, Jeorge Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, and The Muhler Company, Inc., ***Defendants***.

PROOF OF SERVICE

I, the undersigned employee of Howser Newman & Besley, LLC, hereby certify that I have, this 8th day of June, 2018, pursuant to Rule 240(d), *SCACR*, served a copy of JWH's ***Motion for Justin Paul Novak to be Relieved as Counsel*** by U.S. Mail upon the only other party to this appeal, addressed as indicated below:

John Calvin Hayes IV, Esquire
HAYES LAW FIRM LLC
180 Meeting Street, Suite 330
Charleston, SC 29401
Attorneys for Respondents



Kristen H. Miller

R. Davis Howser
James P. Newman, Jr. <
William G. Besley <
Benjamin D. McCoy ^
Kelley Shull Cannon ^
Andrew E. Haselden <
George V. Hanna, IV ^
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Kyllene L. Keesley ^
Albert Richard Pierce, Jr. *
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Jeffrey I. Silverberg

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June 8, 2018

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JUN 11 2018

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: *Waverly at Hamlin Plantation Townhome Association, Inc., Plaintiff,*
Respondent, v. John Wieland Homes and Neighborhoods of the
Carolinas, Inc., et al, Respondent.
Appellate Case No.: 2017-000542

Dear Ms. Kitchings:

Pursuant to your letter of June 4th, 2018, and my subsequent discussions with your office, enclosed are an original and six (6) copies of JWH's ***Motion for Justin Paul Novak to be Relieved as Counsel*** in the above-captioned matter along with the requisite ***Proof of Service*** thereof. Also enclosed is a check for the required filing fee of \$25.00 for this motion.

Thank you for your assistance in this matter. Please do not hesitate to contact me with any questions or concerns.

Regards,


Andrew E. Haselden

AEH/khm

cc: Justin P. Novak, Esquire
Theodore L. Manos, Esquire
John C. Hayes, Esquire
Ivon Keith McCarty, Esquire
Jess Sanchez, Esquire
Peter G. Nistad, Esquire



**HOWSER, NEWMAN
& BESLEY, LLC**

Attorneys and Counselors at Law

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