

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable R. Markley Dennis, Jr.
The Honorable Roger M. Young, Sr.
Trial Court Case No. 2013-CP-10-07107

Appellate Case No. 2018-000906

RECEIVED
FEB 14 2019
SC Court of Appeals

Sea Island Food Group, LLC d/b/a Squeeze, Plaintiff,

v.

Yaschik Development Company, Inc. d/b/a Yaschik Enterprises, Hilton Smith,
East Bay Company, Ltd., Michael J. Quillen Family Limited Partnership,
Defendants,

Of Which Yaschik Development Company, Inc. d/b/a Yaschik Enterprises is
Appellant/Respondent,

And of which Hilton Smith, East Bay Company, Ltd., and Michael J. Quillen
Family Limited Partnership are Respondents.

Michael J. Quillen Family Limited Partnership, Third-Party Plaintiff,
Respondent,

v.

Top of the Bay, LLC, Third-Party Defendant, Respondent/Appellant.

Top of the Bay, LLC, d/b/a Club Light, Fourth-Party Plaintiff,
Respondent/Appellant,

v.

Yaschik Development Company, Inc., d/b/a Yaschik Enterprises, Fourth-Party
Defendant, Appellant/Respondent.

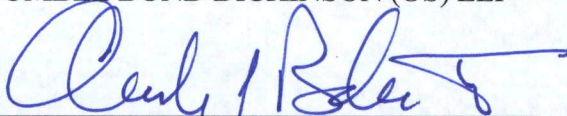
AGREEMENT FOR DISMISSAL OF
HILTON SMITH AND EAST BAY COMPANY, LTD.

Pursuant to Rule 260(b) of the South Carolina Appellate Court Rules, the parties to this appeal agree that Respondents Hilton Smith and East Bay Company, Ltd. should be dismissed as parties to this appeal. Respondents Hilton Smith and East Bay Company, Ltd. were dismissed with prejudice prior to the trial of this action in circuit court and are not necessary parties to the appeal. This dismissal is with prejudice.

The parties also agree that there shall be no taxation of costs under Rule 222 of the South Carolina Appellate Court Rules as a result of this dismissal. However, Respondents Hilton Smith and East Bay Company, Ltd. reserve their right to seek attorney's fees and costs relating to this appeal from Appellant/Respondent Yaschik Development Company, Inc. in other pending litigation between the parties, which claims Appellant/Respondent Yaschik Development Company, Inc. disputes.

The parties further agree that the dismissal of Respondents Hilton Smith and East Bay Company, Ltd. shall have no effect on the appeals related to the other parties in this matter.

WOMBLE BOND DICKINSON (US) LLP

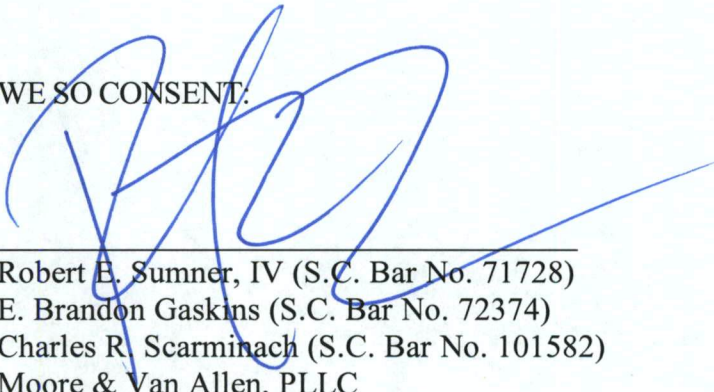


Charles J. Baker III (S.C. Bar No. 486)
P.O. Box 999
Charleston, South Carolina 29402
(843) 722-3400
chuck.baker@wbd-us.com

*Attorneys for Respondents Hilton Smith and East Bay Company,
Ltd.*

CHARLESTON, SC
February 11, 2019

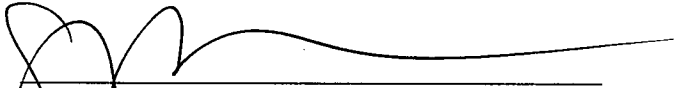
WE SO CONSENT:



Robert E. Sumner, IV (S.C. Bar No. 71728)
E. Brandon Gaskins (S.C. Bar No. 72374)
Charles R. Scarminach (S.C. Bar No. 101582)
Moore & Van Allen, PLLC
78 Wentworth Street
Charleston, SC 29401

Attorneys for Appellant/Respondent Yaschik Development Company, Inc.

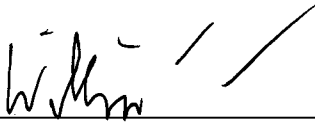
WE SO CONSENT:



John T. Lay (S.C. Bar No. 64526)
Shelley Sunderman Montague (S.C. Bar No. 68019)
Jessica A. Waller (S.C. Bar No. 100256)
Gallivan, White & Boyd, P.A.
1201 Main Street, Suite 1200
P.O. Box 7368
Columbia, SC 29202

Attorneys for Respondent Michael J. Quillen Family Limited Partnership

WE SO CONSENT:



William K. Swope (S.C. Bar No. 15168)
Swope Law Firm
1525 Sam Rittenburg Blvd., Ste. 208
Charleston, SC 29407

-AND-

W. Tracy Brown (S.C. Bar No. 5832)
Brown Law Firm
110 N. Main Street
Summerville, SC 29483

Attorneys for Respondent/Appellant Top of the Bay, LLC

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable R. Markley Dennis, Jr.
The Honorable Roger M. Young, Sr.
Trial Court Case No. 2013-CP-10-07107

Appellate Case No. 2018-000906

RECEIVED
FEB 14 2019
SC Court of Appeals

Sea Island Food Group, LLC d/b/a Squeeze, Plaintiff,

v.

Yaschik Development Company, Inc. d/b/a Yaschik Enterprises, Hilton Smith,
East Bay Company, Ltd., Michael J. Quillen Family Limited Partnership,
Defendants,

Of Which Yaschik Development Company, Inc. d/b/a Yaschik Enterprises is
Appellant/Respondent,

And of which Hilton Smith, East Bay Company, Ltd., and Michael J. Quillen
Family Limited Partnership are Respondents.

Michael J. Quillen Family Limited Partnership, Third-Party Plaintiff,
Respondent,

v.

Top of the Bay, LLC, Third-Party Defendant, Respondent/Appellant.

Top of the Bay, LLC, d/b/a Club Light, Fourth-Party Plaintiff,
Respondent/Appellant,

v.

Yaschik Development Company, Inc., d/b/a Yaschik Enterprises, Fourth-Party
Defendant, Appellant/Respondent.

PROOF OF SERVICE

This is to certify that I have this day served counsel for all parties in the foregoing matter with a copy of the foregoing **Agreement for Dismissal of Hilton Smith and East Bay Company, Ltd.** by depositing the same in the United States Mail with adequate postage affixed thereon to ensure delivery, addressed as follows:

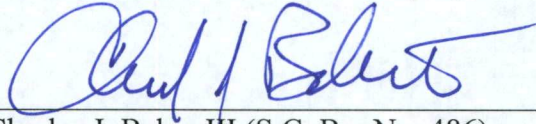
Robert E. Sumner, IV, Esquire
E. Brandon Gaskins, Esquire
Charles R. Scarminach, Esquire
Moore & Van Allen, PLLC
78 Wentworth Street
Charleston, SC 29401
Attorneys for Appellant/Respondent Yaschik Development Company, Inc.

John T. Lay, Esquire
Curtis L. Ott, Esquire
Jessica A. Waller, Esquire
Shelley Sunderman Montague, Esquire
Gallivan, White & Boyd, P.A.
1201 Main Street, Suite 1200
P.O. Box 7368
Columbia, SC 29202
Attorneys for Respondent Michael J. Quillen Family Limited Partnership

William K. Swope, Esquire
The Swope Law Firm
1525 Sam Rittenburg Blvd., Ste. 208
Charleston, SC 29407

W. Tracy Brown, Esquire
The Brown Law Firm
110 N. Main Street
Summerville, SC 29483
Attorneys for Respondent/Appellant Top of the Bay, LLC d/b/a Club Light

WOMBLE BOND DICKINSON (US) LLP



Charles J. Baker III (S.C. Bar No. 486)

P.O. Box 999

Charleston, South Carolina 29402

(843) 722-3400

chuck.baker@wbd-us.com

*Attorneys for Respondents Hilton Smith and East Bay Company,
Ltd.*

CHARLESTON, SC

February 11, 2019



February 11, 2019

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

Womble Bond Dickinson (US) LLP

Post Office Box 999
Charleston, SC 29402

5 Exchange Street
Charleston, SC 29401

t: 843.722.3400

f: 843.723.7398

Charles J. Baker III
Partner

Direct Dial: 843-720-4619

Direct Fax: 843-410-2319

E-mail: Chuck.Baker@wbd-us.com

Re: Sea Island Food Group, LLC, etc., v. Yaschik Development Company, Inc., etc., et al. Appellate Case No.: 2018-000906 WBD Ref: 67913.0004.3

Dear Ms. Kitchings:

Enclosed for filing are an original and seven (7) copies of an Agreement of Dismissal in the above-referenced appeal. Upon filing, please return a stamped copy in the enclosed self-addressed stamped envelope enclosed for your convenience. This Agreement of Dismissal serves to dismiss Respondents Hilton Smith and East Bay Company Ltd. Only.

Thank you in advance for your assistance in this regard. Please do not hesitate to contact me if you have any questions.

With kind regards, I remain

Very truly yours,

Womble Bond Dickinson (US) LLP

Charles J. Baker III
Partner

CJB:cml

Enclosures

cc: W. Tracy Brown, Esq.
Robert E. Sumner, IV, Esq.
E. Brandon Gaskins, Esq.
Charles R. Scarminach, Esq.
John T. Lay, Esq.
Curtis L. Ott, Esq.
Jessica A. Waller, Esq.
William K. Swope, Esq.

RECEIVED

FEB 14 2019

SC Court of Appeals



WOMBLE
BOND
DICKINSON

Womble Bond Dickinson (US) LLP
Post Office Box 999
Charleston, SC 29402

NEOPOST

PRIORITY MAIL

02/12/2019

US POSTAGE \$007.35⁰



ZIP 29401
041L11255593

FIRST CLASS MAIL

RECEIVED
FEB 14 2019
SC Court of Appeals

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