

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 27 2019
SC Court of Appeals

Ex Parte: Liberty Mutual Fire Insurance Company, Appellant.

v.

In re: 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., 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., Builders Support
Services of the Carolinas, Inc. Respondents,

v.

Barr Construction, Inc., 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, 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

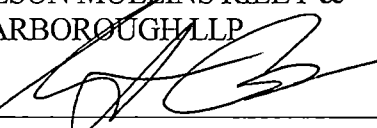
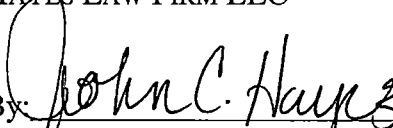
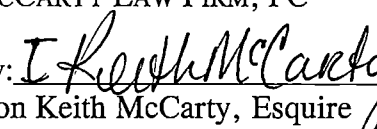
Sanchez a/k/a Sanchez Brothers Painting, Latitude Construction Services, LLC, Paul M. Vasquez, Richard Ditullio, Richard Ditullio a/k/a RDT Contracting, LLC,

Respondents.

AGREED DISMISSAL OF APPEAL
WITH PREJUDICE

Upon consent of all parties to this Appeal, this matter is dismissed with prejudice pursuant to Rule 260(b) of the South Carolina Appellate Court Rules. Each party shall remain responsible for its own attorney's fees, costs and expenses.

WE SO JOINTLY MOVE AND CONSENT:

<p>NELSON MULLENS RILEY & SCARBOROUGH LLP</p> <p>By: </p> <p>Robert C. Calamari, Esquire SC Bar No. 064985 3751 Robert M. Grissom Parkway, Suite 300 Myrtle Beach, SC 29577 (843) 448-3500 <i>Attorneys for Appellant Liberty Mutual Fire Insurance Company</i></p>	<p>HAYES LAW FIRM LLC</p> <p>By:  w/permission John C. Hayes, IV, Esquire 180 Meeting Street, Suite 330 Charleston, SC 29401</p> <p>MCCARTY LAW FIRM, PC</p> <p>By:  w/permission Ivon Keith McCarty, Esquire Post Office Box 30055 Charleston, SC 29417 <i>Attorneys for Waverly @ Hamlin Plantation Townhome Association, Inc.</i></p>
--	--

<p>HOWSER NEWMAN & BESLEY, LLC</p> <p>By: <u>Andrew Haselden</u> w/permission Andrew Elliott Haselden, Esquire 215 East Bay Street, Suite 303 Charleston, SC 29401 <i>Attorneys for Builder Support Services of the Carolinas, Inc., John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes and Neighborhoods of the Carolinas, Inc., John Wieland Homes Inc., John Wieland Homes of Charleston, Inc.</i></p>	<p>WILLS MASSALON & ALLEN LLC</p> <p>By: <u>John Massalon</u> w/permission Christy Ford Allen, Esquire John A. Massalon, Esquire Post Office Box 859 Charleston, SC 29402</p> <p>ROBERTSON HOLLINGSWORTH MANOS & RAHN, LLC</p> <p>By: <u>Theodore Manos</u> w/permission Theodore Luke Manos, Esquire 550 King Street, Suite 300 Charleston, SC 29403-6873</p> <p><i>Attorneys for Builder Support Services of the Carolinas, Inc., John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes and Neighborhoods of the Carolinas, Inc., John Wieland Homes Inc., John Wieland Homes of Charleston, Inc.</i></p>

<p>NEXSEN PRUET, LLC</p> <p>By: <u><i>C Cheryl D. Shoun</i></u> w/permission Cheryl D. Shoun, Esquire Post Office Box 486 Charleston, SC 29402 <i>Attorneys for John Wieland Homes and Neighborhoods Inc., Wheelock Street Capital LLC</i></p>	<p>HOWELL GIBSON & HUGHES, PA</p> <p>By: <u><i>Stephen P. Hughes</i></u> w/permission Stephen P. Hughes, Esquire Post Office Box 40 Beaufort, SC 29901 <i>Attorneys for Builders Firstsource Southeast Group LLC</i></p>
<p>RICHARDSON PLOWDEN & ROBINSON, PA</p> <p>By: <u><i>Jared H. Garraux</i></u> w/permission Jared Hudson Garraux, Esquire 1900 Barnwell Street Columbia, SC 29201 <i>Attorneys for Richard Ditullio and RDT Contracting LLC</i></p>	<p>TURNER PADGET GRAHAM & LANEY, PA</p> <p>By: <u><i>Sarah L. Fragale</i></u> w/permission Sarah Louise Fragale, Esquire 40 Calhoun Street, Suite 200 Charleston, SC 29401 <i>Attorneys for Juan Luis Sanchez, Sanchez Brothers Painting</i></p>
<p>PRO SE</p> <p>By: <u>No Appearance Made</u></p> <p>Paul M. Vasquez 1417 Peach Blossom Lane Charleston, SC 29492-8263</p>	

Myrtle Beach, South Carolina
February 25, 2019

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FEB 27 2019
SC Court of Appeals

Sanchez a/k/a Sanchez Brothers Painting, Latitude
Construction Services, LLC, Paul M. Vasquez, Richard
Ditullio, Richard Ditullio a/k/a RDT Contracting, LLC,

Respondents.

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WITH PREJUDICE**

Upon consent of all parties to this Appeal, this matter is dismissed with prejudice pursuant to Rule 260(b) of the South Carolina Appellate Court Rules. Each party shall remain responsible for its own attorney's fees, costs and expenses.

WE SO JOINTLY MOVE AND CONSENT:

<p>NELSON MULLINS RILEY & SCARBOROUGH LLP</p> <p>By: _____ C. Mitchell Brown, Esquire SC Bar No. 12872 Brian P. Crotty, Esquire SC Bar No. 16983 Blake T. Williams, Esquire SC Bar No. 100794 1320 Main Street/17th Floor Columbia, SC 29211 (803) 799-2000 Robert C. Calamari, Esquire SC Bar No. 064985 3751 Robert M. Grissom Parkway, Suite 300 Myrtle Beach, SC 29577 (843) 448-3500 <i>Attorneys for Appellant Liberty Mutual Fire Insurance Company</i></p>	<p>HAYES LAW FIRM LLC</p> <p>By: _____ John C. Hayes, IV, Esquire Mary-Margaret Fitzhenry Noland, Esquire 180 Meeting Street, Suite 330 Charleston, SC 29401</p> <p>MCCARTY LAW FIRM, PC</p> <p>By: _____ Ivon Keith McCarty, Esquire Post Office Box 30055 Charleston, SC 29417 <i>Attorneys for Waverly @ Hamlin Plantation Townhome Association, Inc.</i></p> <p>712.11.12</p>
---	--

Deia Patsel

From: keith mccarty <ikeithmccarty@gmail.com>
Sent: Thursday, February 21, 2019 4:37 PM
To: Deia Patsel
Subject: Re: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

You may sign on my behalf.
Keith

On Wed, Feb 20, 2019 at 2:45 PM Deia Patsel <Deia.Patsel@nelsonmullins.com> wrote:

Good Afternoon,

Attached please find an Agreed Dismissal of Appeal with Prejudice in the Liberty Mutual Fire Insurance Company v. Waverly at Hamlin Plantation Townhome Association, Inc. et al. Appellate Case number 2017-000474.

Should this dismissal meet with your approval, please reply to this email granting permission to /s/ on your behalf for filing with the court. Please contact Bob should you have any questions.

Thank you,

Deia Patsel



DEIA PATSEL ADMINISTRATIVE ASSISTANT

TO ROBERT C. CALAMARI

deia.patsel@nelsonmullins.com

PINNACLE CORPORATE CENTER | SUITE 300

3751 ROBERT M. GRISSOM PARKWAY | MYRTLE
BEACH, SC 29577

T 843.946.5657 F 843.448.3437

NELSONMULLINS.COM

Deia Patsel

From: Andy Haselden <ahaselden@hnblaw.com>
Sent: Friday, February 22, 2019 12:10 PM
To: Deia Patsel; christy allen; jmassalon@wmalawfirm.net; charline@wmalawfirm.net
Cc: Bob Calamari
Subject: RE: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

I only consent to my name being signed with a calligraphy pen. If you have one and are good at it, feel free.

From: Deia Patsel <Deia.Patsel@nelsonmullins.com>
Sent: Friday, February 22, 2019 11:58 AM
To: Andy Haselden <ahaselden@hnblaw.com>; christy allen <callen@wmalawfirm.net>; jmassalon@wmalawfirm.net; charline@wmalawfirm.net
Cc: Bob Calamari <bob.calamari@nelsonmullins.com>
Subject: FW: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

Good Afternoon,
Please pardon the interruption, may I have permission to electronically sign the attached Agreed Dismissal of Appeal. Bob would like to file this today.

Thanks,
Deia Patsel
Administrative Assistant
Nelson Mullins
3751 Robert Grissom Parkway, Suite 300
Myrtle Beach, SC 29577
843.946.5657
Deia.patsel@nelsonmullins.com

From: Deia Patsel
Sent: Wednesday, February 20, 2019 2:45 PM
To: 'jmassalon@wmalawfirm.net' <jmassalon@wmalawfirm.net>; 'callen@wmalawfirm.net' <callen@wmalawfirm.net>; 'Teddy Manos' <tlm@roblaw.net>; John Hayes <jhayes@hayeslaw.org>; 'ikeithmccarty@gmail.com' <ikeithmccarty@gmail.com>; Andrew Haselden <ahaselden@hnblaw.com>; 'erindean@tgdcpa.com' <erindean@tgdcpa.com>; 'sphughes@hghpa.com' <sphughes@hghpa.com>; 'jgarraux@richardsonplowden.com' <jgarraux@richardsonplowden.com>; 'pmorrissey@clawsonandstaubes.com' <pmorrissey@clawsonandstaubes.com>; 'methridge@ethridgelawgroup.com' <methridge@ethridgelawgroup.com>; 'lpaton@carlockcopeland.com' <lpaton@carlockcopeland.com>
Cc: Bob Calamari <bob.calamari@nelsonmullins.com>; MBrown <mitch.brown@nelsonmullins.com>; Brian Crotty <brian.crotty@nelsonmullins.com>; Blake Williams <blake.williams@nelsonmullins.com>; Eileen Hindman <eileen.hindman@nelsonmullins.com>
Subject: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

Good Afternoon,
Attached please find an Agreed Dismissal of Appeal with Prejudice in the Liberty Mutual Fire Insurance Company v. Waverly at Hamlin Plantation Townhome Association, Inc. et al. Appellate Case number 2017-000474.

Deia Patsel

From: John A. Massalon <jmassalon@wmalawfirm.net>
Sent: Friday, February 22, 2019 1:18 PM
To: Andy Haselden; Deia Patsel; Christy F. Allen; Charline Le Barrasso
Cc: Bob Calamari
Subject: RE: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

OK with me. No calligraphy necessary. If my signature looks too good, it will raise suspicion.

JM

From: Andy Haselden <ahaselden@hnblaw.com>
Sent: Friday, February 22, 2019 12:10 PM
To: Deia Patsel <Deia.Patsel@nelsonmullins.com>; Christy F. Allen <callen@wmalawfirm.net>; John A. Massalon <jmassalon@wmalawfirm.net>; Charline Le Barrasso <Charline@wmalawfirm.net>
Cc: Bob Calamari <bob.calamari@nelsonmullins.com>
Subject: RE: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

I only consent to my name being signed with a calligraphy pen. If you have one and are good at it, feel free.

From: Deia Patsel <Deia.Patsel@nelsonmullins.com>
Sent: Friday, February 22, 2019 11:58 AM
To: Andy Haselden <ahaselden@hnblaw.com>; christy allen <callen@wmalawfirm.net>; jmassalon@wmalawfirm.net; charline@wmalawfirm.net
Cc: Bob Calamari <bob.calamari@nelsonmullins.com>
Subject: FW: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

Good Afternoon,

Please pardon the interruption, may I have permission to electronically sign the attached Agreed Dismissal of Appeal. Bob would like to file this today.

Thanks,
Deia Patsel
Administrative Assistant
Nelson Mullins
3751 Robert Grissom Parkway, Suite 300
Myrtle Beach, SC 29577
843.946.5657
Deia.patsel@nelsonmullins.com

From: Deia Patsel
Sent: Wednesday, February 20, 2019 2:45 PM
To: 'jmassalon@wmalawfirm.net' <jmassalon@wmalawfirm.net>; 'callen@wmalawfirm.net' <callen@wmalawfirm.net>; 'Teddy Manos' <tlm@roblaw.net>; John Hayes <jhayes@hayeslaw.org>; 'ikeithmccarty@gmail.com' <ikeithmccarty@gmail.com>; Andrew Haselden <ahaselden@hnblaw.com>; 'erindean@tgdcpa.com'

Deia Patsel

From: Elissa Jones <elissa@roblaw.net>
Sent: Thursday, February 21, 2019 3:27 PM
To: Deia Patsel
Subject: FW: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

Deia,

You have Teddy's permission to e-sign the Dismissal for him.

Thank you! Elissa

From: Teddy Manos
Sent: Thursday, February 21, 2019 3:26 PM
To: Elissa Jones <elissa@roblaw.net>
Subject: RE: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

granted

Theodore L. Manos, Esq. – Member
ROBERTSON HOLLINGSWORTH MANOS & RAHN, LLC
550 King Street, Suite 300
Charleston, SC 29403
Office (843) 723-6470
Mobile (843) 345-8992
Facsimile (843) 853-9045
tlm@roblaw.net

PLEASE NOTE OUR NEW NAME AND ADDRESS

From: Elissa Jones <elissa@roblaw.net>
Sent: Thursday, February 21, 2019 3:18 PM
To: Teddy Manos <tlm@roblaw.net>
Subject: FW: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

Mr. Calamari's assistant called me re this. They are ready to E-File the Dismissal of the Appeal for Waverly. She needs your permission to electronically sign for you please. Thanks!

From: Deia Patsel [<mailto:Deia.Patsel@nelsonmullins.com>]
Sent: Thursday, February 21, 2019 3:07 PM
To: Elissa Jones <elissa@roblaw.net>
Subject: FW: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

Deia Patsel

From: Shoun, Cheryl D. <CShoun@nexsenpruet.com>
Sent: Wednesday, February 20, 2019 3:32 PM
To: Deia Patsel
Cc: julian@allenlawsc.com; sfragale@turnerpadget.com; Mark E Tully; Marvin Infinger
Subject: Re: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

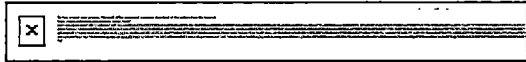
No worries at all. You may execute with my electronic signature.

On Feb 20, 2019, at 2:51 PM, Deia Patsel <Deia.Patsel@nelsonmullins.com> wrote:

Good Afternoon,

My apologies, you were left off of the original email below. Please respond with permission to /s/ on your behalf.

Thank you,
Deia Patsel



DEIA PATSEL ADMINISTRATIVE ASSISTANT
TO ROBERT C. CALAMARI
deia.patsel@nelsonmullins.com
PINNACLE CORPORATE CENTER | SUITE 300
3751 ROBERT M. GRISSOM PARKWAY | MYRTLE
BEACH, SC 29577
T 843.946.5657 F 843.448.3437
NELSONMULLINS.COM

From: Deia Patsel
Sent: Wednesday, February 20, 2019 2:45 PM
To: 'jmassalon@wmalawfirm.net' <jmassalon@wmalawfirm.net>; 'callen@wmalawfirm.net' <callen@wmalawfirm.net>; 'Teddy Manos' <tlm@roblaw.net>; John Hayes <jhayes@hayeslaw.org>; 'ikeithmccarty@gmail.com' <ikeithmccarty@gmail.com>; Andrew Haselden <ahaselden@hnblaw.com>; 'erindean@tgdcpa.com' <erindean@tgdcpa.com>; 'sphughes@hgpha.com' <sphughes@hgpha.com>; 'jgarraux@richardsonplowden.com' <jgarraux@richardsonplowden.com>; 'pmorrissey@clawsonandstaubes.com' <pmorrissey@clawsonandstaubes.com>; 'methridge@ethridgelawgroup.com' <methridge@ethridgelawgroup.com>; 'lpaton@carlockcopeland.com' <lpaton@carlockcopeland.com>
Cc: Bob Calamari <bob.calamari@nelsonmullins.com>; MBrown <mitch.brown@nelsonmullins.com>; Brian Crotty <brian.crotty@nelsonmullins.com>; Blake Williams <blake.williams@nelsonmullins.com>; Eileen Hindman <eileen.hindman@nelsonmullins.com>

Deia Patsel

From: Jared Garraux <JGarraux@RichardsonPlowden.com>
Sent: Thursday, February 21, 2019 4:47 PM
To: Deia Patsel
Subject: RE: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

You have my consent. Thank you.

From: Deia Patsel [mailto:Deia.Patsel@nelsonmullins.com]
Sent: Thursday, February 21, 2019 4:38 PM
To: Jared Garraux
Subject: FW: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

Thanks.



DEIA PATSEL ADMINISTRATIVE ASSISTANT
TO ROBERT C. CALAMARI
deia.patsel@nelsonmullins.com

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3751 ROBERT M. GRISSOM PARKWAY | MYRTLE
BEACH, SC 29577
T 843.946.5657 F 843.448.3437
NELSONMULLINS.COM

From: Deia Patsel
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To: 'jmassalon@wmalawfirm.net' <jmassalon@wmalawfirm.net>; 'callen@wmalawfirm.net' <callen@wmalawfirm.net>; 'Teddy Manos' <tlm@roblaw.net>; John Hayes <jhayes@hayeslaw.org>; 'ikeithmccarty@gmail.com' <ikeithmccarty@gmail.com>; Andrew Haselden <ahaselden@hnblaw.com>; 'erindean@tgdcpa.com' <erindean@tgdcpa.com>; 'sphughes@hgpha.com' <sphughes@hgpha.com>; 'jgarraux@richardsonplowden.com' <jgarraux@richardsonplowden.com>; 'pmorrissey@clawsonandstaubes.com' <pmorrissey@clawsonandstaubes.com>; 'methridge@ethridgelawgroup.com' <methridge@ethridgelawgroup.com>; 'lpaton@carlockcopeland.com' <lpaton@carlockcopeland.com>
Cc: Bob Calamari <bob.calamari@nelsonmullins.com>; MBrown <mitch.brown@nelsonmullins.com>; Brian Crotty <brian.crotty@nelsonmullins.com>; Blake Williams <blake.williams@nelsonmullins.com>; Eileen Hindman <eileen.hindman@nelsonmullins.com>
Subject: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

Good Afternoon,

Deia Patsel

From: Stephen P. Hughes <SPHughes@hgpha.com>
Sent: Friday, February 22, 2019 11:19 AM
To: Deia Patsel
Cc: Tracy Della Pia; Meredith Irion
Subject: {Matter No.[11457 SPH]}{Waverly at Hamlin v. John Wieland Homes, etc. vs. Builders FirstSource, etc.}
Attachments: 487220.pdf

◀External Email▶ - Use appropriate security judgment when clicking links, opening attachments or responding.

Deia I consent on behalf of BFS. John may sign for me. If you need any further confirmation , let me know. Thanks, Steve Hughes

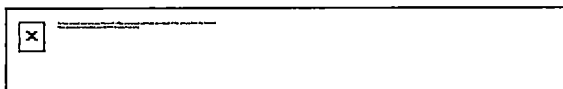
Stephen P. Hughes
Howell, Gibson & Hughes PA
PO Box 40
Beaufort, SC 29901
843-522-2400
843-522-2429 (fax)
SPHughes@hgpha.com

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Deia Patsel

From: Fragale, Sarah <Sfragale@TurnerPadget.com>
Sent: Wednesday, February 20, 2019 2:51 PM
To: Deia Patsel
Subject: RE: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

You have permission to sign on my behalf.



Sarah Fragale
Associate
PO Box 22129 | Charleston, SC 29413
40 Calhoun Street, Suite 200 | Charleston, SC 29401
843-579-8308 | Fax 843-577-1626
sfragale@turnerpadget.com
[Bio](#) | [vCard](#) | [Location](#)

From: Deia Patsel [mailto:Deia.Patsel@nelsonmullins.com]
Sent: Wednesday, February 20, 2019 2:51 PM
To: julian@allenlawsc.com; Fragale, Sarah; cshoun@nexsenpruet.com
Subject: FW: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

Good Afternoon,

My apologies, you were left off of the original email below. Please respond with permission to /s/ on your behalf.

Thank you,
Deia Patsel



DEIA PATSEL ADMINISTRATIVE ASSISTANT
TO ROBERT C. CALAMARI
deia.patsel@nelsonmullins.com

PINNACLE CORPORATE CENTER | SUITE 300
3751 ROBERT M. GRISSOM PARKWAY | MYRTLE
BEACH, SC 29577
T 843.946.5657 F 843.448.3437
NELSONMULLINS.COM

From: Deia Patsel
Sent: Wednesday, February 20, 2019 2:45 PM
To: 'jmassalon@wmalawfirm.net' <jmassalon@wmalawfirm.net>; 'callen@wmalawfirm.net' <callen@wmalawfirm.net>; 'Teddy Manos' <tlm@roblaw.net>; John Hayes <jhayes@hayeslaw.org>; 'ikeithmccarty@gmail.com'

Deia Patsel

From: Julian Allen <julian@allenlawsc.com>
Sent: Wednesday, February 20, 2019 2:57 PM
To: Deia Patsel
Cc: sfragale@turnerpadget.com; cshoun@nexsenpruet.com
Subject: Re: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

◀External Email▶ - Use appropriate security judgment when clicking links, opening attachments or responding.

I left Turner Padget in June 2015 and I did not keep this case.

> On Feb 20, 2019, at 2:51 PM, Deia Patsel <Deia.Patsel@nelsonmullins.com> wrote:
>
> <LMWaverlyConsent Notice Dismissing Appeal.pdf>

Deia Patsel

From: Erin Dean <ErinDean@tgdcpa.com>
Sent: Thursday, February 21, 2019 3:14 PM
To: Deia Patsel
Cc: Xiomara Ingram
Subject: RE: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

Deia:

My client was dismissed via Stip of Dismissal on November 3, 2016 but to the extent Bob needs my approval to dismiss the Appeal, I have no objection.

Erin

ERIN D. DEAN

erindean@tgdcpa.com



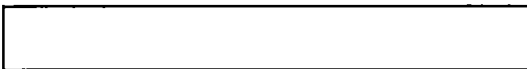
TUPPER, GRIMSLEY, DEAN & CANADAY, PA

611 BAY STREET | PO BOX 2055 | BEAUFORT, SC 29901 T: (843) 524.1116 | F: (843) 524.1463

TGDCPA.COM

From: Deia Patsel [<mailto:Deia.Patsel@nelsonmullins.com>]
Sent: Thursday, February 21, 2019 3:12 PM
To: Erin Dean <ErinDean@tgdcpa.com>
Subject: FW: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

Thank you.



DEIA PATSEL ADMINISTRATIVE ASSISTANT
TO ROBERT C. CALAMARI
deia.patsel@nelsonmullins.com

PINNACLE CORPORATE CENTER | SUITE 300
3751 ROBERT M. GRISSOM PARKWAY | MYRTLE
BEACH, SC 29577

T 843.946.5657 F 843.448.3437

NELSONMULLINS.COM

Deia Patsel

From: Paton, Laura E. <lpaton@carlockcopeland.com>
Sent: Thursday, February 21, 2019 4:20 PM
To: Deia Patsel
Subject: RE: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

Hi Deia – I settled out of the underlying case years ago and was never involved in the appeal.



Laura E. Paton
Partner
Carlock, Copeland & Stair, LLP

843.266.8226 | f: 843.727.2995 | lpaton@carlockcopeland.com
40 Calhoun Street, Suite 400, Charleston, South Carolina 29401

From: Deia Patsel [<mailto:Deia.Patsel@nelsonmullins.com>]
Sent: Thursday, February 21, 2019 3:51 PM
To: Paton, Laura E.
Subject: FW: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

Good Afternoon,

Yesterday, Bob Calamari sent the attached Agreed Dismissal in the Liberty Mutual v. Waverly Appeal requesting permission to electronically sign on your behalf. If this dismissal meets with your approval, please respond to this email granting permission. This case is up for oral arguments and Bob would like to get the dismissal filed as soon as possible.

Thank you,
Deia Patsel



DEIA PATSEL ADMINISTRATIVE ASSISTANT
TO ROBERT C. CALAMARI
deia.patsel@nelsonmullins.com

PINNACLE CORPORATE CENTER | SUITE 300
3751 ROBERT M. GRISSOM PARKWAY | MYRTLE
BEACH, SC 29577

T 843.946.5657 F 843.448.3437

NELSONMULLINS.COM

From: Deia Patsel
Sent: Wednesday, February 20, 2019 2:45 PM
To: 'jmassalon@wmalawfirm.net' <jmassalon@wmalawfirm.net>; 'callen@wmalawfirm.net' <callen@wmalawfirm.net>; 'Teddy Manos' <tjm@roblaw.net>; John Hayes <jhayes@hayeslaw.org>; 'ikeithmccarty@gmail.com'

Deia Patsel

From: Sue Mullinax <SMullinax@clawsonandstaubes.com>
Sent: Friday, February 22, 2019 7:35 AM
To: Deia Patsel
Subject: RE: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice
Attachments: SOD as to ELI (Sills) FILED 4-20-2016-87002.pdf; SOD as to ELI (Waverly) FILED 4-20-2016-87003.pdf

Good morning and Happy Friday. He was dismissed from this case in 2016. Attached are the clocked dismissals.

Thanks
Sue

From: Deia Patsel <Deia.Patsel@nelsonmullins.com>
Sent: February 21, 2019 3:42 PM
To: Sue Mullinax <SMullinax@clawsonandstaubes.com>
Subject: FW: Appellant Liberty Mutual v. Respondent Waverly et al. Agreed Dismissal of Appeal with Prejudice

Good Afternoon,
Yesterday, Bob Calamari sent the attached to all parties in the Liberty Mutual v. Waverly appeal requesting permission to electronically sign on their behalf. Is this something you might can help me get from Mr. Morrissey? This case is up for oral arguments and Bob would like to get the dismissal filed as soon as possible.

Thanks for the help,
Deia



DEIA PATSEL ADMINISTRATIVE ASSISTANT
TO ROBERT C. CALAMARI
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From: Deia Patsel
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To: 'jmassalon@wmalawfirm.net' <jmassalon@wmalawfirm.net>; 'callen@wmalawfirm.net' <callen@wmalawfirm.net>; 'Teddy Manos' <tlim@roblaw.net>; John Hayes <jhayes@hayeslaw.org>; 'ikeithmccarty@gmail.com' <ikeithmccarty@gmail.com>; Andrew Haselden <ahaselden@hnblaw.com>; 'erindean@tgdcpa.com'

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 27 2019

SC Court of Appeals

Ex Parte: Liberty Mutual Fire Insurance Company,

Appellant.

v.

In re: 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., 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., 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, 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, 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, Paul M. Vasquez, Richard Ditullio, Richard
Ditullio a/k/a RDT Contracting, LLC,

Respondents.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Liberty Mutual Fire Insurance Company, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by electronic mail to the following address(es):

Pleadings:

Agreed Dismissal of Appeal with Prejudice

Counsel Served:

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Association, Inc.***

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Inc., John Wieland Homes and Neighborhoods of the
Carolinas, Inc., John Wieland Homes Inc., John Wieland
Homes of Charleston, Inc.***

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Deia Patsel
Administrative Assistant

Feb 25, 2019



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February 25, 2019

The Honorable Jenny Abbott Kitchings
Clerk of Court SC Court of Appeals
PO Box 11629
Columbia, SC 29211

RECEIVED
FEB 27 2019
SC Court of Appeals

RE: Waverly at Hamlin Plantation Townhome Association, Inc. v. John Wieland
Homes & Neighborhoods of the Carolinas, Inc., et al.
Civil Action No. 2013-CP-10-03326
Appellate Case No. 2017-000474
NMRS File No. 00350.01785

Dear Ms. Kitchings:

Enclosed please find the original and two copies of the Consent Agreed Dismissal of Appeal in the above referenced case. Please file the original with the court and return a clocked in copy to me in the enclosed self-addressed, postage prepaid envelope. Please contact me should you have any questions.

By copy of this letter I am hereby serving all counsel of record a copy of same.

Very truly yours,

Robert C. Calamari

RCC:dp
Enclosure
cc: *(via email only with enclosure)*
John C. Hayes, IV, Esquire
Ivon Keith McCarty, Esquire
Christy Ford Allen, Esquire
John A. Massalon, Esquire

February 25, 2019
Page 2

Andrew Elliott Haselden, Esquire
Theodore Luke Manos, Esquire
Marvin D. Infinger, Esquire
Cheryl D. Shoun, Esquire
Sarah Louise Fragale, Esquire
Stephen P. Hughes, Esquire
Jared Hudson Garraux, Esquire

Hasler

02/25/2019

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NELSON MULLINS

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The Honorable Jenny Abbot Kitchings
Clerk of Court SC Court of Appeals
PO Box 11629
Columbia, SC 29211

RECEIVED

FEB 27 2019

SC Court of Appeals