

89694

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

RECEIVED

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

APR 30 2019

SC Court of Appeals

Jennifer B. McCoy, Circuit Court Judge

CASE NO. 2015-CP-10-00955

Ex Parte:

FCCI Insurance Company, Appellant,

In Re:

Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. and Jack Love,
individually, and on behalf of all others similarly situated, Plaintiffs,

v.

Island Pointe, LLC; Leonard T. Brown; Complete Building Corporation; Tri-County Roofing, Inc.;
Creekside, Inc; American Residential Services, LLC d/b/a Rescue Rooter Charleston; Andersen
Windows, Inc.; Atlantic Building Construction Services, Inc. n/k/a Atlantic Construction Services,
Inc.; Christopher N. Union; Builder Services Group, Inc. d/b/a Gale Contractor Services; Novus
Architects, Inc. f/k/a SGM Architects, Inc.; Tallent and Sons, Inc.; WC Services, Inc.; CRG
Engineering, Inc.; Certainteed Corporation; Kelly Flooring Products, Inc. d/b/a Carpet Baggers and
John Doe 1-60.....Defendants,

Tri-County Roofing, Inc.,Third-Party Plaintiff,

v.

Cornerstone Construction and Mark Malloy D/B/A Cornerstone Construction, Gutter Works, Inc.
And Michael L. Segars D/B/A Gutter Works, Mr. Gutter, Litchfield Seamless Gutters & Windows,
LLC And Thomas Litchfield D/B/A Litchfield Seamless Gutters, Miracle Siding, LLC and Wilson
Lucas Sales D/B/A Miracle Siding, LLC, Mark Palpoint A/K/A Micah Palpoint, Elroy Alonzo
Vasquez, And Chris A/K/A John Doe 61,Third-Party Defendants.

Complete Building Corporation, Inc.,Third-Party Plaintiff,

v.

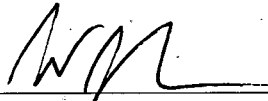
Alderman Construction, Stanley's Vinyl Fence Designs, Cohen's Drywall, and Mosely
Concrete.....Third-Party Defendants.

NOTICE OF APPEAL

FCCI Insurance Company ("Appellant") appeals the Order/Statement of Judgment of the Honorable Jennifer B. McCoy, dated April 25, 2019, denying the Motion to Intervene filed by FCCI Insurance Company. Appellant received written notice of entry of the Order/Statement of Judgment denying the Motion to Intervene on April 25, 2019.

This 30th day of April 2019.

By:



W. JAMES FLYNN
SC Bar No. 15830
Goodman McGuffey LLP
jflynn@GM-LLP.com
7 Technology Circle, Suite 460
Columbia, SC 29203-8403
(800) 404-6930 Phone
(855) 642-5952 Fax
Attorneys for Appellant FCCI Insurance Company

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

CASE NO. 2015-CP-10-00955

RECEIVED
APR 30 2019
SC Court of Appeals

Ex Parte:

FCCI Insurance Company, Appellant,

In Re:

Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. and Jack Love,
individually, and on behalf of all others similarly situated, Plaintiffs,

v.

Island Pointe, LLC; Leonard T. Brown; Complete Building Corporation; Tri-County Roofing, Inc.;
Creekside, Inc; American Residential Services, LLC d/b/a Rescue Rooter Charleston; Andersen
Windows, Inc.; Atlantic Building Construction Services, Inc. n/k/a Atlantic Construction Services,
Inc.; Christopher N. Union; Builder Services Group, Inc. d/b/a Gale Contractor Services; Novus
Architects, Inc. f/k/a SGM Architects, Inc.; Tallent and Sons, Inc.; WC Services, Inc.; CRG
Engineering, Inc.; Certainteed Corporation; Kelly Flooring Products, Inc. d/b/a Carpet Baggers and
John Doe 1-60.....Defendants,

Tri-County Roofing, Inc.,Third-Party Plaintiff,

v.

Cornerstone Construction and Mark Malloy D/B/A Cornerstone Construction, Gutter Works, Inc.
And Michael L. Segars D/B/A Gutter Works, Mr. Gutter, Litchfield Seamless Gutters & Windows,
LLC And Thomas Litchfield D/B/A Litchfield Seamless Gutters, Miracle Siding, LLC and Wilson
Lucas Sales D/B/A Miracle Siding, LLC, Mark Palpoint A/K/A Micah Palpoint, Elroy Alonzo
Vasquez, And Chris A/K/A John Doe 61,Third-Party Defendants.

Complete Building Corporation, Inc.,Third-Party Plaintiff,

v.

Alderman Construction, Stanley's Vinyl Fence Designs, Cohen's Drywall, and Mosely
Concrete.....Third-Party Defendants.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal by depositing a copy of it in the United States Mail, postage prepaid, on April 30, 2019, addressed to the attorneys of record for all parties, listed as follows:

Justin O. Lucey, Esq.
Stephanie D. Drawdy, Esq.
Joshua F. Evans, Esq.
Justin O'Toole Lucey, P.A.
415 Mill Street
Mount Pleasant, SC 29464
jlucey@lucey-law.com
sdrawdy@lucey-law.com
Jevans@lucey-law.com

Edward D. Buckley, Jr., Esq.
Young Clement Rivers, LLP
P.O. Box 993
Charleston, SC 29402-0993
ebuckley@yctrlaw.com

Everett A. Kendall, II, Esq.
Murphy & Grantland, P.A.
P.O. Box 6648
Columbia, SC 29260
rkendall@murphygrantland.com

David S. Cobb, Esq.
Turner Padget Graham & Laney, PA
40 Calhoun Street, Suite 200
Charleston, SC 29401
dcobb@turnerpadget.com

S. Markey Stubbs, Esq.
Baker, Ravenel & Bender, LLP
3710 Landmark Drive, Suite 400

Columbia, SC 29204
mstubbs@brblegal.com

Andrew N. Cole, Esq.
Christopher M. Adams, Esq.
James Williams, Esq.
Joseph S. McCue, Esq.
Collins & Lacy, P.C.
P.O. Box 12487
Columbia, SC 29211
acole@collinsandlacy.com
cadams@collinsandlacy.com
jwilliams@collinsandlacy.com
jmccue@collinsandlacy.com

F. Cordes Ford, IV, Esq.
Heather A. Chiovaro, Esq.
Lewis Gregory Horton, Esq.
Womble Carlyle Sandridge & Rice, LLP
P.O. Box 999
Charleston, SC 29402
Cordes.ford@wbd-us.com
Heather.chiovaro@wbd-us.com
Greg.horton@wbd-us.com

R. Michael Ethridge, Esq.
Suzanne Deters, Esq.
Ethridge Law Group, LLC
1100 Queensborough Blvd, Suite 200
Mt. Pleasant, SC 29464
methridge@ethridgelawgroup.com
sdeters@ethridgelawgroup.com

Brent M. Boyd, Esq.
Robert M. Peele, III, Esq.
Murphy & Grantland, P.A.
P.O. Box 6648
Columbia, SC 29260
bboyd@murphygrantland.com
rpeele@murphygrantland.com

Shanna Milcetic Stephens, Esq.
Thomas F. Drazan, Esq.
Jonathan Lee Anderson, Esq.
Anderson Reynolds & Stephens, LLC
37 1/2 Broad Street

Charleston, SC 29401-3001
sstephens@arlawsc.com
tdrazan@arlawsc.com
janderson@arlawsc.com

Bonum S. Wilson, III, Esq.
Brandon T. Reeser, Esq.
Wilson & Heyward, LLC
P.O. Box 13177
Charleston, SC 29422
bwilson@wilsonheyward.com
breeser@wilsonheyward.com

James A. Atkins, Esq.
Clawson and Staubes, LLC
126 Seven Farms Drive, Suite 200
Charleston, SC 29492
jatkins@clawsonandstaubes.com

W. Duffie Powers, Esq.
R. Batten Farrar, Esq.
Carter Massingill, Esq.
Janice Holmes, Esq.
Gallivan White & Boyd, PA
P.O. Box 10589
Greenville, SC 29603
Dpowers@gwblawfirm.com
bfarrar@gwblawfirm.com
cmassingill@gwblawfirm.com

David A. Anderson, Esq.
Jasmin Wyman, Esq.
Richardson Plowden & Robinson, P.A.
P.O. Drawer 7788
Columbia, SC 29202
danderson@richardsonplowden.com
jwyman@richardsonplowden.com

James H. Elliott, Jr., Esq.
Megan White, Esq.
F. Heyward Grimball, Esq.
Richardson Plowden & Robinson, P.A.
P.O. Box 21203
Charleston, SC 29413
jelliott@richardsonplowden.com

mwhite@richardsonplowden.com
fhgrimball@richardsonplowden.com

Dunn D. Hollingsworth, Esq.
Michael E. Wright, Esq.
Robertson Hollingsworth Manos & Rahn, LLC
550 King St., Ste. 300
Charleston, SC 29403
ddh@roblaw.net
mew@roblaw.net

G. Troy Thames, Esq.
Willson Jones Carter & Baxley, PA
421 Wando Park Blvd., Ste. 100
Mount Pleasant, SC 29464
tthames@wjlaw.net

Kevin O'Brien, Esq.
Phelps Dunbar, LLP
4140 Park Lake Ave., Ste. 100
Raleigh, NC 27612
Kevin.obrien@phelps.com

Ian Ford, Esq.
Hunter James, Esq.
Ford Wallace Thomson, LLC
715 King Street
Charleston, SC 29403
Ian.ford@fordwallace.com
Hunter.james@fordwallace.com

Bachman S. Smith, IV, Esq.
Haynsworth Sinkler Boyd, PA
P.O. Box 340
Charleston, SC 29402-0340
bsmithiv@hsblawfirm.com

Erin D. Dean, Esq.
Tupper, Grimsley, Dean & Canaday, PA
P.O. Box 2055
Beaufort, SC 29901-2055
erindean@tgdcpa.com

John McCants, Esq.
Rogers Lewis Jackson Mann & Quinn, LLC

P.O. Box 11803 (29211)
1901 Main Street
Columbia, SC 29201
jmccants@rogerslewis.com

Richard E. McLawhorn, Jr., Esq.
Sweeney Wingate & Barrow, PA
1515 Lady Street
Columbia, SC 29201
rem@swblaw.com

Thomas R. Goldstein, Esq.
Belk Cobb Infinger & Goldstein, PA
P.O. Box 71121
Charleston, SC 29415-1121
tgoldstein@cobblaw.net

R. Trippett Boineau, III, Esq.
J. Adam Ribock, Esq.
McAngus Goudelock & Courie, LLC
P.O. Box 12519, Capitol Station
Meridian, 1320 Main Street, 10th Floor
Columbia, SC 29211
trippett.boineau@mcglaw.com
adam.ribock@mcglaw.com

O. Carlisle Edwards, Esq.
McAngus Goudelock & Courie, LLC
P. O. Box 650007
Mt. Pleasant, SC 29465
cedwards@mcglaw.com

Christopher M. Ramsey, Esq.
The Bostic Law Group, P.A.
2236 Ashley Crossing Drive
Charleston, SC 29414
cramsey@bosticl原因.com

Mark A. Mason, Esq.
The Mason Law Firm, P.A.
Tidewatch Centre on Shem Creek
465 W. Coleman Boulevard, Suite 302
Mount Pleasant, SC 29464
mark@masonlawfirm.com

Janice Holmes, Esq.
Shelley S. Montague, Esq.
Gallivan, White & Boyd, P.A.
P.O. Box 10589
Greenville, SC 29603
jholmes@gwblawfirm.com
smontague@gwblawfirm.com

J.R. Murphy, Esq.
Timothy J. Newton, Esq.
Murphy & Grantland, P.A.
P.O. Box 6648
Columbia, SC 29260
tnewton@murphygrantland.com
jrmurphy@murphygrantland.com

Steven L. Smith, Esq.
Zachary J. Closser, Esq.
Samuel M. Wheeler, Esq.
Smith Closser, P.A.
P.O. Box 40578
Charleston, SC 29423
ssmith@scnlaw.com
zclosser@scnlaw.com
swheeler@scnlaw.com

Nicholas A. Farr, Esq.
Gallivan White Boyd
P.O. Box 10589 (29603)
One Liberty Square
55 Beattie Place, Ste. 1200
Greenville, SC 29601
nfarr@gwblawfirm.com

Eric G. Fosmire, Esq.
The Fosmire Law Firm, LLC
P.O. Box 153
Columbia, SC 29202
Eric.fosmire@fosmirelaw.com

Michael R. Daniel, Esq.
Daniel Law Firm
336 Cardinal Road
Elloree, SC 29047
mdaniel@daniellawfirm.net

James Lynn Werner, Esq.
John G. Tamasitis, Esq.
Parker Poe Adams & Bernstein, LLP
1221 Main St., Ste. 1100
P.O. Box 1509 (29202)
Columbia, SC 29201
jimwerner@parkerpoe.com
johntamasitis@parkerpoe.com

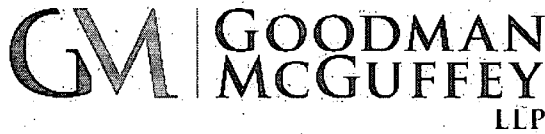
Michael B.T. Wilkes, Esq.
Alex Joyner, Esq.
Wilkes Law Firm, P.A.
127 Dunbar St., Ste. 200
Spartanburg, SC 29306
mwilkes@wilkeslaw.com
ajoyner@wilkeslaw.com

This 30th day of April 2019.



W. JAMES FLYNN
SC Bar No. 9154
jflynn@GM-LLP.com
Goodman McGuffey LLP
7-Technology Circle, Suite 460
Columbia, SC 29203-8403
(800) 404-6930 Phone
(855) 642-5952 Fax

0520-0330.01/Doc ID #5530923



W. JAMES FLYNN
Attorney at Law
Direct Dial: (803) 451-6301
Email: jflynn@GM-LLP.com
Admitted in SC & NC

ATTORNEYS AT LAW
WWW.GM-LLP.COM

REPLY TO:
7 Technology Circle, Suite 460
Columbia, SC 29203-8403
TELEPHONE (800) 404-6930
FACSIMILE (855) 642-5952

April 30, 2019

RECEIVED

APR 30 2019

SC Court of Appeals

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

Re: Palmetto Pointe at Peas Island Condominium Property
Owners Association, Inc., et al. v. Island Pointe, LLC, et
al.
Charleston County Court of Common Pleas
Civil Action File No.: 2015-CP-10-00955
Our File No.: 0520-0330

Dear Ms. Kitchings:

Enclosed for filing is the original Notice of Appeal, along with one (1) copy of the Notice of Appeal, to be stamped and returned to the courier. Also enclosed are the following:

- (1) Original Proof of Service for the Notice of Appeal and one (1) copy to be stamped and returned with the courier;
- (2) Copies of the Order which are to be challenged on appeal; and
- (3) Our firm check in the amount of \$250.00.

By copy hereof, all counsel of record are being served with the above. Please note that three similarly situated parties have previously filed similar appeals in this matter, which have been consolidated for consideration by the Court and which bear Appellate Case No. 2019-000238.

Thank you for assistance, and should you have any questions, please do not hesitate to contact me.

The Honorable Jenny Abbott Kitchings
April 30, 2019
Page 2

Sincerely,



W. James Flynn

WJF:smh
Enclosures

cc:

The Honorable Clerk of Court for Charleston County (via US Mail for filing)

Other Counsel of Record:

Justin O. Lucey, Esq.
Stephanie D. Drawdy, Esq.
Joshua F. Evans, Esq.
Justin O'Toole Lucey, P.A.
415 Mill Street
Mount Pleasant, SC 29464
jlucey@lucey-law.com
sdrawdy@lucey-law.com
Jevans@lucey-law.com

Edward D. Buckley, Jr., Esq.
Young Clement Rivers, LLP
P.O. Box 993
Charleston, SC 29402-0993
ebuckley@ycrlaw.com

Everett A. Kendall, II, Esq.
Murphy & Grantland, P.A.
P.O. Box 6648
Columbia, SC 29260
rkendall@murphygrantland.com

David S. Cobb, Esq.
Turner Padget Graham & Laney, PA
40 Calhoun Street, Suite 200
Charleston, SC 29401
dcobb@turnerpadget.com

S. Markey Stubbs, Esq.
Baker, Ravenel & Bender, LLP

The Honorable Jenny Abbott Kitchings
April 30, 2019
Page 3

3710 Landmark Drive, Suite 400
Columbia, SC 29204
mstubbs@brblegal.com

Andrew N. Cole, Esq.
Christopher M. Adams, Esq.
James Williams, Esq.
Joseph S. McCue, Esq.
Collins & Lacy, P.C.
P.O. Box 12487
Columbia, SC 29211
acole@collinsandlacy.com
cadams@collinsandlacy.com
jwilliams@collinsandlacy.com
jmccue@collinsandlacy.com

F. Cordes Ford, IV, Esq.
Heather A. Chiovaro, Esq.
Lewis Gregory Horton, Esq.
Womble Carlyle Sandridge & Rice, LLP
P.O. Box 999
Charleston, SC 29402
Cordes.ford@wbd-us.com
Heather.chiovaro@wbd-us.com
Greg.horton@wbd-us.com

R. Michael Ethridge, Esq.
Suzanne Deters, Esq.
Ethridge Law Group, LLC
1100 Queensborough Blvd, Suite 200
Mt. Pleasant, SC 29464
methridge@ethridgelawgroup.com
sdeters@ethridgelawgroup.com

Brent M. Boyd, Esq.
Robert M. Peele, III, Esq.
Murphy & Grantland, P.A.
P.O. Box 6648
Columbia, SC 29260
bboyd@murphygrantland.com
rpeele@murphygrantland.com

Shanna Milcetic Stephens, Esq.

The Honorable Jenny Abbott Kitchings
April 30, 2019
Page 4

Thomas F. Drazan, Esq.
Jonathan Lee Anderson, Esq.
Anderson Reynolds & Stephens, LLC
37 1/2 Broad Street
Charleston, SC 29401-3001
sstephens@arlawsc.com
tdrazan@arlawsc.com
janderson@arlawsc.com

Bonum S. Wilson, III, Esq.
Brandon T. Reeser, Esq.
Wilson & Heyward, LLC
P.O. Box 13177
Charleston, SC 29422
bwilson@wilsonheyward.com
breeser@wilsonheyward.com

James A. Atkins, Esq.
Clawson and Staubes, LLC
126 Seven Farms Drive, Suite 200
Charleston, SC 29492
jatkins@clawsonandstaubes.com

W. Duffie Powers, Esq.
R. Batten Farrar, Esq.
Carter Massingill, Esq.
Janice Holmes, Esq.
Gallivan White & Boyd, PA
P.O. Box 10589
Greenville, SC 29603
Dpowers@gwblawfirm.com
bfarrar@gwblawfirm.com
cmassingill@gwblawfirm.com

David A. Anderson, Esq.
Jasmin Wyman, Esq.
Richardson Plowden & Robinson, P.A.
P.O. Drawer 7788
Columbia, SC 29202
danderson@richardsonplowden.com
jwyman@richardsonplowden.com

James H. Elliott, Jr., Esq.
Megan White, Esq.

The Honorable Jenny Abbott Kitchings
April 30, 2019
Page 5

F. Heyward Grimball, Esq.
Richardson Plowden & Robinson, P.A.
P.O. Box 21203
Charleston, SC 29413
jelliott@richardsonplowden.com
mwhite@richardsonplowden.com
fhgrimball@richardsonplowden.com

Dunn D. Hollingsworth, Esq.
Michael E. Wright, Esq.
Robertson Hollingsworth Manos & Rahn, LLC
550 King St., Ste. 300
Charleston, SC 29403
ddh@roblaw.net
mew@roblaw.net

G. Troy Thames, Esq.
Willson Jones Carter & Baxley, PA
421 Wando Park Blvd., Ste. 100
Mount Pleasant, SC 29464
tthames@wjlaw.net

Kevin O'Brien, Esq.
Phelps Dunbar, LLP
4140 Park Lake Ave., Ste. 100
Raleigh, NC 27612
Kevin.obrien@phelps.com

Ian Ford, Esq.
Hunter James, Esq.
Ford Wallace Thomson, LLC
715 King Street
Charleston, SC 29403
Ian.ford@fordwallace.com
Hunter.james@fordwallace.com

Bachman S. Smith, IV, Esq.
Haynsworth Sinkler Boyd, PA
P.O. Box 340
Charleston, SC 29402-0340
bsmithiv@hsblawfirm.com

Erin D. Dean, Esq.
Tupper, Grimsley, Dean & Canaday, PA

The Honorable Jenny Abbott Kitchings

April 30, 2019

Page 6

P.O. Box 2055
Beaufort, SC 29901-2055
erindean@tgdcpa.com

John McCants, Esq.
Rogers Lewis Jackson Mann & Quinn, LLC
P.O. Box 11803 (29211)
1901 Main Street
Columbia, SC 29201
jmccants@rogerslewis.com

Richard E. McLawhorn, Jr., Esq.
Sweeney Wingate & Barrow, PA
1515 Lady Street
Columbia, SC 29201
rem@swblaw.com

Thomas R. Goldstein, Esq.
Belk Cobb Infinger & Goldstein, PA
P.O. Box 71121
Charleston, SC 29415-1121
tgoldstein@cobblaw.net

R. Trippett Boineau, III, Esq.
J. Adam Ribock, Esq.
McAngus Goudelock & Courie, LLC
P.O. Box 12519, Capitol Station
Meridian, 1320 Main Street, 10th Floor
Columbia, SC 29211
trippett.boineau@mcglaw.com
adam.ribock@mgclaw.com

O. Carlisle Edwards, Esq.
McAngus Goudelock & Courie, LLC
P. O. Box 650007
Mt. Pleasant, SC 29465
cedwards@mcglaw.com

Christopher M. Ramsey, Esq.
The Bostic Law Group, P.A.
2236 Ashley Crossing Drive
Charleston, SC 29414
cramsey@bosticlaw.com

The Honorable Jenny Abbott Kitchings

April 30, 2019

Page 7

Mark A. Mason, Esq.
The Mason Law Firm, P.A.
Tidewatch Centre on Shem Creek
465 W. Coleman Boulevard, Suite 302
Mount Pleasant, SC 29464
mark@masonlawfirm.com

Janice Holmes, Esq.
Shelley S. Montague, Esq.
Gallivan, White & Boyd, P.A.
P.O. Box 10589
Greenville, SC 29603
jholmes@gwblawfirm.com
smontague@gwblawfirm.com

J.R. Murphy, Esq.
Timothy J. Newton, Esq.
Murphy & Grantland, P.A.
P.O. Box 6648
Columbia, SC 29260
tnewton@murphygrantland.com
jrmurphy@muprhygrantland.com

Steven L. Smith, Esq.
Zachary J. Closser, Esq.
Samuel M. Wheeler, Esq.
Smith Closser, P.A.
P.O. Box 40578
Charleston, SC 29423
ssmith@scnlaw.com
zclosser@scnlaw.com
swheeler@scnlaw.com

Nicholas A. Farr, Esq.
Gallivan White Boyd
P.O. Box 10589 (29603)
One Liberty Square
55 Beattie Place, Ste. 1200
Greenville, SC 29601
nfarr@gwblawfirm.com

Eric G. Fosmire, Esq.
The Fosmire Law Firm, LLC

The Honorable Jenny Abbott Kitchings
April 30, 2019
Page 8

P.O. Box 153
Columbia, SC 29202
Eric.fosmire@fosmirelaw.com

Michael R. Daniel, Esq.
Daniel Law Firm
336 Cardinal Road
Elloree, SC 29047
mdaniel@daniellawfirm.net

James Lynn Werner, Esq.
John G. Tamasitis, Esq.
Parker Poe Adams & Bernstein, LLP
1221 Main St., Ste. 1100
P.O. Box 1509 (29202)
Columbia, SC 29201
jimwerner@parkerpoe.com
johntamasitis@parkerpoe.com

Michael B.T. Wilkes, Esq.
Alex Joyner, Esq.
Wilkes Law Firm, P.A.
127 Dunbar St., Ste. 200
Spartanburg, SC 29306
mwilkes@wilkeslaw.com
ajoyner@wilkeslaw.com