

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM AIKEN COUNTY

Court of Common Pleas

Doyet A. Early III, Circuit Court Judge

---

Case No. 2016-CP-02-02339

---

**RECEIVED**  
APR 09 2019  
SC Court of Appeals

University of South Carolina Aiken, Plaintiff,

v.

University Housing Services, Inc., H.G. Reynolds Co., Southern Wall Systems, Inc., McElroy Specialty Interiors, Inc., Croft Hill Siding, Inc., East Coast Painting, Inc., and John Does 1 Through 3, Defendants,

And

H.G. Reynolds Co., Inc., Third-Party Plaintiff,

v.

William Bell, Bell Siding and Roofing, William Bell d/b/a Bell Siding & Roofing a/k/a Bell Siding and Roofing, LLC, and Bell Siding and Roofing, LLC, Third-Party Defendants,

Of which University Housing Services, Inc., and H.G. Reynolds Company, Inc. are the Appellants,

And

Of Which University of South Carolina Aiken is the Respondent.

---

Appellate Case No. 2018-001039

---

### **Consent Order for Settlement and Dismissal**

The appeal comes before the Court of Appeals pursuant to Rule 261, SCACR for the approval of a settlement agreement between the parties to the appeal and the dismissal of the appeal. The parties to the appeal agree to arbitrate the dispute between them in accordance with the attached agreement that is Exhibit "A" to this Order and whose terms are incorporated into this Order. The Court of Appeals hereby approves the settlement. Once the remittitur is received by the circuit court, the circuit court shall stay the civil action, for arbitration, pursuant to S.C. Code Ann. § 15-48-20, as between Respondent University of South Carolina/University of South Carolina Aiken, Appellant University Housing Services, Inc. and Appellant H.G. Reynolds Co., Inc., only. The orders on appeal denying arbitration are hereby vacated. No costs are awarded pursuant to Rule 222, SCACR. Subject to the terms herein and Exhibit A, the appeal is dismissed pursuant to Rule 260(b), SCACR.

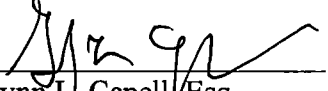
AND IT IS SO ORDERED

---

Judge, Court of Appeals  
For the Court of Appeals

*Appellate Case No. 2018-001039  
Consent Order for Settlement and Dismissal*

We consent:

  
\_\_\_\_\_  
Glynn L. Capell/Esq.  
Capell Law Firm, LLC  
Post Office Box 6628  
Hilton Head Island, SC 29938  
gcapell@capelllaw.com  
Tel: (843) 689-4280

Attorneys for Respondent University of South Carolina/University of South Carolina Aiken

Gregory M. Alford, Esq.  
Alford & Thoreson, LLC  
Post Office Drawer 8008  
Hilton Head Island, SC 29938  
gregg@alfordlawsc.com  
Tel: (843) 842-5500

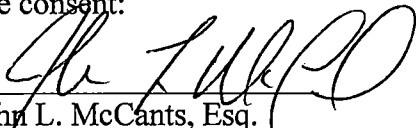
Attorneys for Respondent University of South Carolina/ University of South Carolina Aiken

Jesse Kirchner, Esq.  
Michael A. Timbes, Esq.  
Thomas J. Rode, Esq.  
Thurmond Kirchner & Timbes, P.A.  
15 Middle Atlantic Wharf  
Charleston, SC 29401  
Tel: (843) 937-8000  
Fax: (843) 937-4200

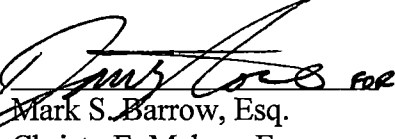
Attorneys for Respondent University of South Carolina/University of South Carolina Aiken

*Appellate Case No. 2018-001039  
Consent Order for Settlement and Dismissal*

We consent:

  
John L. McCants, Esq.  
Rogers Lewis Jackson Mann & Quinn, LLC  
P.O. Box 11803  
Columbia, SC 29211  
jmccants@rogerslewis.com  
Tel: (803) 978-2834  
Fax: (803) 252-3653  
Attorney for Appellant University Housing Services, Inc.

-and-

  
Mark S. Barrow, Esq.  
Christy E. Mahon, Esq.  
Sweeney Wingate & Barrow, P.A.  
P.O. Box 12129  
Columbia, SC 29211  
msb@swblaw.com  
cem@swblaw.com  
Tel: (803) 256-2233  
Attorneys for Appellant H.G. Reynolds Co., Inc.

**ROGERS ♦ LEWIS**  
— ROGERS LEWIS JACKSON MANN & QUINN, LLC —

P.O. Box 11803 (29211)  
1901 Main Street, Suite 1200  
Columbia, SC 29201  
Phone (803) 978-2834  
jmccants@rogerslewis.com  
www.rogerslewis.com

April 9, 2019

**RECEIVED**  
APR 09 2019  
SC Court of Appeals

Hand Delivery

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 20211

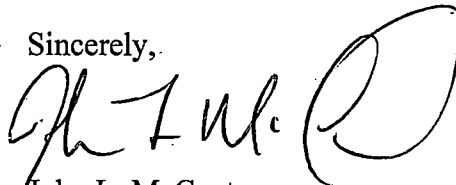
Re: University of South Carolina Aiken v. University Housing Services, Inc., et al.  
Civil Action No.: 2016-CP-02-02339  
Appellate Case No.: 2018-001039

Dear Ms. Kitchings:

I represent Appellant University Housing Services, Inc. I am enclosing an original proposed consent order and accompanying settlement agreement that provides for the dismissal of the appeal on certain terms and conditions agreed to by the parties. If the proposed consent order, together with the settlement agreement, are satisfactory and meet with the approval of the Court of Appeals, the parties request that the ordered be executed and filed along with the settlement agreement. Should a difference course of action be required, please do not hesitate to contact counsel.

Should you otherwise have any questions, please do not hesitate to contact counsel.

Sincerely,

  
John L. McCants

Counsel of Record on Next Page:

*Ltr. to The Honorable Jenny Abbott Kitchings*

*March 29, 2019*

*Appellate Case No.: 2018-001039*

cc.

Jesse Kirchner, Esq. (Via Email)

Michael A. Timbes, Esq. (Via Email)

Thomas J. Rode, Esq. (Via Email)

Glynn L. Capell, Esq. (Via Email)

Gregory M. Alford, Esq. (Via Email)

Mark S. Barrow, Esq. (Via Email)

Christy E. Mahon, Esq. (Via Email)