

THE STATE OF SOUTH CAROLINA

RECEIVED

In the Supreme Court

JUN 24 2019

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Jennifer B. McCoy, Circuit Court Judge

CASE NO. 2015-CP-10-00955

Appellate Case No. 2019-000238

Ex Parte:

Builders Mutual Insurance Company, Nationwide Mutual Fire Insurance Company, Nationwide Mutual Insurance Company, Nautilus Insurance Company, and FCCI Insurance Company, Appellants,

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,

And

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.

And

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

v.

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

Of whom

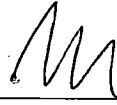
Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. and Jack Love, individually, and on behalf of all others similarly situated, Tri-County Roofing, Inc., Stanley's Vinyl Fence Designs, WC Services, Inc., Elroy Alonzo Vasquez, Miracle Siding, LLC, and Wilson Lucas Sales d/b/a Miracle Siding, LLC, are Respondents.

**MOTION OF APPELLANT FCCI INSURANCE COMPANY TO WITHDRAW ITS
APPEAL**

Appellant FCCI Insurance Company hereby moves pursuant to Rule 260(c) of the South Carolina Appellate Court Rules to withdraw its appeal in this matter as the issues raised in its Notice of Appeal filed on April 30, 2019 are now moot. Respondents Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. and Jack Love, individually, and on behalf of all others similarly situated, consent to FCCI Insurance Company’s withdraw of its appeal in this matter. Attached to this motion as Exhibit “A” is an email from Justin O. Lucey, Esq., counsel for Respondents Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. and Jack Love, providing consent to FCCI Insurance Company’s withdrawal of its appeal in this matter.

This 21st day of June 2019.

By:



W. JAMES FLYNN

SC Bar No. 15830

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Columbia, SC 29203-8403

(800) 404-6930 Phone

(855) 642-5952 Fax

Attorneys for Appellant FCCI Insurance Company

EXHIBIT A

Jamie Flynn

From: Justin Lucey <jlucey@lucey-law.com>
Sent: Thursday, June 13, 2019 1:29 PM
To: Jamie Flynn
Cc: jevans@lucey-law.com; Laura Knight
Subject: Re: Ex Parte: Builders Mutual (In Re: Palmetto Pointe v. Island Pointe); Appeal No. 2019-000238

Fine.

On Jun 13, 2019, at 12:21 PM, Jamie Flynn <JFlynn@gm-llp.com> wrote:

Thanks. Here is my draft motion to withdraw. Please advise if you request any changes/additions before I file this.

<image001.png>
Jamie Flynn, Esq.
GOODMAN MCGUFFEY LLP

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<image002.jpg> Fax: (855) 642-5952
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From: Justin Lucey <jlucey@lucey-law.com>
Sent: Thursday, June 13, 2019 1:18 PM
To: Jamie Flynn <JFlynn@GM-LLP.com>
Cc: jevans@lucey-law.com; Laura Knight <lknight@lucey-law.com>
Subject: Re: Ex Parte: Builders Mutual (In Re: Palmetto Pointe v. Island Pointe); Appeal No. 2019-000238

We consent

On Jun 13, 2019, at 11:11 AM, Jamie Flynn <JFlynn@gm-llp.com> wrote:

Justin:

I am writing to request your consent on behalf of your clients, Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. and Jack Love, to FCCI Insurance Company dismissing its appeal, which is now pending before the Supreme Court (Appeal No. 2019-000238).

If you consent, I'll attach your reply email to a consent motion to withdraw FCCI's appeal that I'll file pursuant to Appellate Rule 260. I'll send you a copy of the consent motion to review before I file it as well.

Please let me know if your clients consent.

<image001.png>
Jamie Flynn, Esq.
GOODMAN MCGUFFEY LLP

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<image002.jpg> Fax: (855) 642-5952
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And

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.

And

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

v.

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

Of whom

Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. and Jack Love, individually, and on behalf of all others similarly situated, Tri-County Roofing, Inc., Stanley's Vinyl Fence Designs, WC Services, Inc., Elroy Alonzo Vasquez, Miracle Siding, LLC, and Wilson Lucas Sales d/b/a Miracle Siding, LLC, are Respondents.

PROOF OF SERVICE

I certify that I have served the Motion to Withdraw by depositing a copy of it in the United States Mail, postage prepaid, on June 14, 2019, addressed to the attorneys of record for all parties, listed as follows:

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This 21st day of June 2019.



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