

IN THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

JUN 26 2019

APPEAL FROM CHARLESTON COUNTY S.C. SUPREME COURT
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

Ex Parte:

Builders Mutual Insurance Company, Nationwide Mutual Fire Insurance Company,
Nationwide Mutual Insurance Company, and Nautilus 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 Building 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.; W C 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 Gutter;
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 Mosley 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, and W C Services, Inc., are the Respondents.

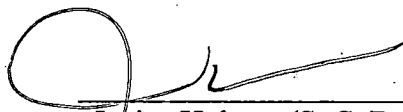
Case No. 2019-000238

Motion to Withdraw Appeal

Appellant Nautilus Insurance Company ("Nautilus") hereby moves pursuant to South Carolina Appellate Court Rule 260(c) to withdraw its appeal. The trial court in the matter styled *Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc., et al v. Island Pointe, LLC, et al*, Case No. 2015-CP-10-0955, has entered an Order of Dismissal With Prejudice as to Certain Defendants, including Nautilus' insureds, Eloy Alonzo Vasquez, Miracle Siding LLC, and Wilson Lucas Sales d/b/a Miracle Siding, LLC. A copy of the Order is attached as Exhibit A. Per the Order, the trial court states that the parties have settled their claims for good, valuable, fair, and adequate consideration and Plaintiffs' claims are dismissed and ended with prejudice as to the named defendants, including Nautilus' Insureds, Eloy Alonzo Vasquez, Miracle Siding LLC, and Wilson Lucas Sales d/b/a Miracle Siding, LLC. Therefore, the issues raised in Nautilus' Notice of Appeal filed on February 20, 2019 are now moot, and Nautilus moves to withdraw its appeal in this matter.

(Signature to follow)

Respectfully Submitted,



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<p>Christopher M Adams James L Williams Collins & Lacy PC PO Box 12487 Columbia SC 29211 cadams@collinsandlacy.com jwilliams@collinsandlacy.com <i>Attorneys for Port City Structured Wiring</i></p>	<p>Shanna M Stephens Jonathan L Anderson Thomas F Drazan Anderson Reynolds & Stephens LLC PO Box 87 Charleston SC 29401 sstephens@arslawsc.com janderson@arslawsc.com <i>Attorneys for Keller Electric LLC</i></p>
<p>Joseph S McCue Collins & Lacy PC PO Box 12487 Columbia SC 29211 jmccue@collinsandlacy.com <i>Attorney for Builder Services Group Inc s/b/a Gale Contractor Services</i></p>	<p>James H Elliott Jr Megan White Richardson Plowden & Robinson PA PO Box 21203 Charleston SC 29412 jelliott@richardsonplowden.com mwhite@richardsonplowden.com <i>Attorneys for Keller Electric, LLC</i></p>

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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 Gutter;
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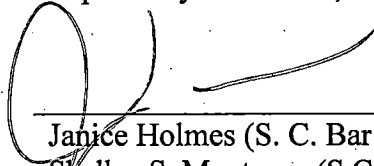
Of Whom Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. and Jack Love, Individually, and on behalf of all others similarly situated, Tri-County Roofing, Inc., Stanley's Vinyl Fence Designs, and W C Services, Inc., are the Respondents.

Case No. 2019-000238

Proof of Service

I certify that I have served the Motion to Withdraw Appeal on Other Counsel of Record by depositing a copy of it in the United States Mail, postage prepaid on June 26, 2019 addressed to their attorneys of record, listed as follows:

Respectfully Submitted,



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INSURANCE COMPANY

June 26, 2019

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<p>Brent M Boyd Robert M Peele III Murphy & Grantland PA</p>	<p>Bonum S Wilson III Brandon T Reeser Wilson & Heyward LLC</p>

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<p>Bachman S Smith IV Haynsworth Sinkler Boyd PA PO Box 340 Charleston SC 29402-0340 bsmithiv@hsblawfirm.com <i>Attorney for Russell "Rusty" Hill d/b/a Rusty's Heating & Air</i></p>	<p>Ian S Ford Hunter H James Ford Wallace Thomson LLC 715 King St Charleston SC 29403 ian.ford@fordwallace.com Hunter.james@fordwallace.com <i>Attorneys for John F Toolin d/b/a John F. Toolin Heat and Air</i></p>
<p>W Duffie Powers R Batten Farrar Carter Massingill Gallivan White & Boyd PA PO Box 10589 Greenville SC 29603 dpowers@gwblawfirm.com bfarrar@gwblawfirm.com cmassingill@gwblawfirm.com <i>Attorneys for Tallent and Sons Inc.</i></p>	<p>Michael E Wright Dunn Hollingsworth Robertson Hollingsworth Manos & Rahn LLC 550 King St., Ste 300 Charleston SC 29403 mew@roblaw.net ddh@roblaw.net <i>Attorneys for Stanley's Vinyl Fence Designs</i></p>

<p>James A Atkins Clawson & Staubes LLC 126 Seven Farms Dr., Ste 200 Charleston SC 29492-8144 jatkins@clawsonandstaubes.com <i>Attorney for W. C. Services Inc.</i></p>	<p>Erin D Dean Tupper Grimsley Dean & Canaday PA PO Box 2055 Beaufort SC 29901-2055 erindean@tgdcpa.com <i>Attorney for Warren Anderson</i></p>
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LLC AND D/B/AH AND A FRAMING, LLC,)
H&A CONSTRUCTION, AND HAND A)
CONSTRUCTION; JMC CONSTRUCTION,)
INC.; JMC CONSTRUCTION, LLC; JOHN)
DOE 1-15,)

Defendants.)

COMPLETE BUILDING CORPORATION,)
INC.,)

Third-Party Plaintiff,)

VS.)

LEONARD T. BROWNE AND)
CHRISTOPHER N. UNION,)

Third-Party Defendants.)

CREEKSIDE, INC.,)

Third-Party Plaintiff,)

VS.)

CHRISTOPHER N. UNION,)

Third-Party Defendant.)

AMERICAN RESIDENTIAL SERVICES, LLC,)

Third-Party Plaintiff,)

VS.)

VICTOR HUGO HERNANDEZ; HERNANDEZ)
ELECTRIC, LLC; LILIANA ROJAS FLORES;)
MARTIN BARR D/B/A PORT CITY)
STRUCTURED WIRING; KELLER)
ELECTRIC, LLC; JOHN TOOLIN D/B/A)
JOHN F. TOOLIN HEAT AND AIR; RUSSELL)
"RUSTY" HILL D/B/A RUSTY'S HEATING &)
AIR; and WARREN ANDERSON,)

Third-Party Defendants.)

JBW/2

This matter comes before the Court on Motion of Plaintiffs Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. and Jack Love, Individually and on behalf of all others similarly situated, seeking the dismissal of Defendants Creekside, Inc., Mosely Concrete, Andersen Windows, Inc., Complete Building Corporation, Eloy Alonzo Vasquez, Miracle Siding LLC, Wilson Lucas Sales d/b/a Miracle Siding, LLC, and Stanley's Vinyl Fence Designs from the above-captioned action, with prejudice.

WHEREAS, Plaintiffs have settled with Defendants Creekside, Inc., Mosely Concrete, Andersen Windows, Inc., Complete Building Corporation, Eloy Alonzo Vasquez, Miracle Siding LLC, Wilson Lucas Sales d/b/a Miracle Siding, LLC, and Stanley's Vinyl Fence Designs for good, valuable, fair, and adequate consideration;

WHEREAS, Plaintiff Palmetto Point at Peas Island Condominium Property Owners Association, Inc. (the "Association") is the assignee of 100% of its members;

IT IS HEREBY ORDERED that Plaintiffs' claims be dismissed and ended with prejudice as to Defendants Creekside, Inc., Mosely Concrete, Andersen Windows, Inc., Complete Building Corporation, Eloy Alonzo Vasquez, Miracle Siding LLC, Wilson Lucas Sales d/b/a Miracle Siding, LLC, and Stanley's Vinyl Fence Designs only; and

IT IS FURTHER ORDERED that all actual and potential crossclaims by Defendants Creekside, Inc., Mosely Concrete, Andersen Windows, Inc., Complete Building Corporation, Eloy Alonzo Vasquez, Miracle Siding LLC, Wilson Lucas Sales d/b/a Miracle Siding, LLC, and Stanley's Vinyl Fence Designs are dismissed with prejudice.


As this settlement and dismissal is of all claims in this case against Defendants Creekside, Inc., Mosely Concrete, Andersen Windows, Inc., Complete Building Corporation, Eloy Alonzo Vasquez, Miracle Siding LLC, Wilson Lucas Sales d/b/a Miracle Siding, LLC, and Stanley's Vinyl

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Fence Designs, and is being consummated with good and adequate consideration, this Order of Dismissal shall dismiss Defendants Creekside, Inc., Mosely Concrete, Andersen Windows, Inc., Complete Building Corporation, Eloy Alonzo Vasquez, Miracle Siding LLC, Wilson Lucas Sales d/b/a Miracle Siding, LLC, and Stanley's Vinyl Fence Designs from this action with prejudice. This dismissal does not end the case.

This Honorable Court retains jurisdiction to enforce or vacate the settlements between the respective parties for sixty (60) days from the filing of this Order.

IT IS SO ORDERED!



The Honorable Jennifer B. McCoy
Circuit Court Judge

Charleston, South Carolina
June 1, 2019

JBW/4