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S.C. SUPREME COURT

Timothy J. Newton  
Direct dial 803-454-1242  
tnewton@murphygrantland.com

July 18, 2019

**VIA HAND DELIVERY**

The Honorable Daniel E. Shearouse  
Clerk of Court  
South Carolina Supreme Court  
1231 Gervais Street  
Columbia, SC 29211

Re: Nationwide Mutual Insurance Company v. Palmetto Pointe at Peas Island, et al. vs. Stanley's Vinyl Fence Design, et al.  
Civil Action No.: 2015-CP-10-0955  
Appellate Case No.: 2019-000238  
M&G File No.: 1150-0972

Dear Mr. Shearouse:

This letter relates to Appellant Nationwide Mutual Fire Insurance Company's Motion to Withdraw Appeal that was filed on July 11, 2019. It came to my attention that although the settlement agreement was attached, the e-mail supplying consent to dismiss the appeal was not. Attached please find the e-mail to correct that oversight.

By copy hereof, counsel of record is being served with the above.

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

Best Regards,

*s/Tim J. Newton*

Timothy J. Newton

TJN/smh  
Enclosures

cc: All Counsel of Record

**Tim J. Newton**

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**From:** Justin Lucey <jlucey@lucey-law.com>  
**Sent:** Friday, June 28, 2019 10:37 AM  
**To:** Tim J. Newton  
**Cc:** Laura Knight; Troy Thames; Buckley, Edward D. (Ed); Stephanie Drawdy; Josh Evans  
**Subject:** Re: Palmetto Pointe v Floyd Stanley Jr. dba Stanley's Vinyl Fence Designs

consent.

On Fri, Jun 28, 2019 at 9:53 AM Tim J. Newton <[tnewton@murphygrantland.com](mailto:tnewton@murphygrantland.com)> wrote:

Justin and Ed,

Please advise if you will consent to dismiss **Nationwide Mutual Fire Insurance Company's** pending appeal pertaining to its coverage for **Floyd Stanley Jr. d/b/a Stanley's Vinyl Fence Designs**. This is one of the appeals that have been consolidated under Appellate case number 2019-000238.

Troy, if Floyd Stanley has any objection to dismissal of the appeal, please advise.

I do not believe any other parties have an interest in **Nationwide Mutual Fire Insurance Company's** pending appeal. No parties other than the homeowners contested **Nationwide Mutual Fire Insurance Company's** motion to intervene.

If you consent, I will attach your reply e-mail to a motion to withdraw **Nationwide Mutual Fire Insurance Company's** appeal that will be filed pursuant to Appellate Rule 260.

Please note that the above does not apply to Nationwide Mutual Insurance Company's pending appeal regarding its coverage for WC Services, Inc., a separate defendant in this matter.

Regards,

Tim Newton



**Murphy & Grantland, P.A.**

Tim J. Newton, Esquire

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**From:** Laura Knight <[lknight@lucey-law.com](mailto:lknight@lucey-law.com)>

**Sent:** Wednesday, June 26, 2019 10:16 AM

**To:** Tim J. Newton <[tnewton@murphygrantland.com](mailto:tnewton@murphygrantland.com)>

**Cc:** Troy Thames <[tthames@wjlaw.net](mailto:tthames@wjlaw.net)>; Justin Lucey <[jlucey@lucey-law.com](mailto:jlucey@lucey-law.com)>; Buckley, Edward D. (Ed) <[ebuckley@ycrlaw.com](mailto:ebuckley@ycrlaw.com)>; Stephanie Drawdy <[sdrawdy@lucey-law.com](mailto:sdrawdy@lucey-law.com)>; Josh Evans <[jevans@lucey-law.com](mailto:jevans@lucey-law.com)>

**Subject:** RE: Palmetto Pointe

Good Morning-

Attached please find a fully executed release for your records. Please let us know what we can do to assist w/ your dismissal of the Nationwide DJ and Appeal. Thanks so much.

Thanks, Laura

To: [tnewton@murphygrantland.com](mailto:tnewton@murphygrantland.com)    [Remove this sender from my allow list](#)  
From: [jlucey@lucey-law.com](mailto:jlucey@lucey-law.com)

*You received this message because the sender is on your allow list.*

IN THE STATE OF SOUTH CAROLINA

In the Supreme Court

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

Case No. 2015-CP-10-00955

Appellate Case No. 2019-000238

RECEIVED  
JUL 18 2019  
S.C. SUPREME COURT

Ex Parte:

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

In Re:

Palmetto Pointe at Peas Island Condominium Property  
Owners Association, Inc. and Jack Lowe, 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.; W C Services, Inc., CRG Engineering, Inc.;  
Certainteed Corporation; Kelly Flooring Products, Inc.  
d/b/a Carpet Baggers, and John Does 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 Lowe,  
Individually, and on behalf of all others similarly situated,  
Tri-County Roofing, Inc.; Stanley’s Vinyl Fence Designs;  
and WC Services, Inc. are ..... Respondents,

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**PROOF OF SERVICE**

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I certify that I have served a Letter regarding the Motion to Withdraw Appeal on  
Behalf of Appellant Nationwide Mutual Fire Insurance Company to include Email  
supplying Consent to Dismiss Appeal, via regular and electronic mail, on July 18, 2019,  
to the following attorneys of record:

Justin O'Toole Lucey, Esq.  
Stephanie D. Drawdy, Esq.  
Joshua F. Evans, Esq.  
Justin O'Toole Lucey, P.A.  
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*Attorneys for Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. and Jack Love, individually, and on behalf of all others similarly situated*

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*Attorneys for Respondents Miracle Siding, LLC, Wilson Lucas Sales d/b/a Miracle Siding, LLC and Eloy Alonzo Vasquez*

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*Attorney for Appellant Builders Mutual Insurance Company*

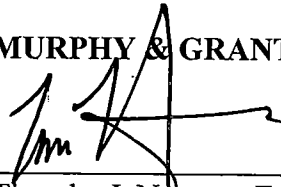
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*Attorneys for Nautilus Insurance Company*

*[signature page follows]*

Respectfully submitted,

**MURPHY & GRANTLAND, P.A.**

A handwritten signature in black ink, appearing to be 'TJ Newton', written over a horizontal line.

Timothy J. Newton, Esquire  
P.O. Box 6648  
Columbia, SC 29260  
(803) 782-4100

*Attorney for Nationwide Mutual Fire  
Insurance Company*