

910336

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM Horry County
Court of Common Pleas

Clifton Newman, Circuit Court Judge

Case No. 2015-CP-26-00279
Appellate Case No. 2019-001053

RECEIVED
JUL 19 2019
SC Court of Appeals

Ex Parte: Hartford Fire Insurance Company and Hartford Casualty Insurance Company, Appellants

In Re: The River Crossing Condominium Association, and Vincent J. Tamburro, on behalf of himself and others similarly situated Plaintiffs,

v.

Centex Homes, a Nevada General partnership; Centex Construction Company, Inc.; Centex Construction, LLC; Centex-Rooney Construction, Co. Inc.; Centex Rodgers, Inc.; Balfour Beatty Construction, LLC, f/k/a Centex Construction, LLC; Right Way Construction, Inc.; Right Way Group, Inc.; RWG, Inc.; RWGR, Inc.; Stock Building Supply, LLC f/k/a Stock Building Supply, Inc.; Builders FirstSource – Southeast Group, LLC, Martin Masonry, Inc.; Gary Hunnell d/b/a Grand Strand Roofing; Craftmaster Manufacturing, Inc. d/b/a CMI; Roof Doctor of the Carolinas, Inc.; Stock Building Supply, LLC f/k/a Carolina Builders Corporation; Orfield Laboratories, Inc.; Trebor Industries, Inc.; Steven Bosch d/b/a The Roofer Man; CertainTeed Corporation Successor by merger to Exterior Systems, Inc. a/k/a Norandex, Inc.; Weather Protection Systems, Inc.; Crawford Door Systems, Inc.; Cox Millwork & Supply, Inc; AM Jacobs Inc.; Galvin Depompe; Roberta Depompe; Morningstar Consultants, Inc.; JELD-WEN, Inc. as successor to and/or merger with Craftmaster Manufacturing, Inc. d/b/a CMI; and Sign Studio & Graphics, Inc., Defendants,

Of which The River Crossing Condominium Association, and Vincent J. Tamburro, on behalf of himself and others similarly situated, and Centex Homes, a Nevada General Partnership are, Respondents.

Centex Homes, a Nevada General Partnership, Third-Party Plaintiff,

v.

Carolina Drywall and Interiors a/k/a Carolina Drywall Contractors, Inc., Vance Johnson Plumbing Co., Inc., Bogle Electric, Inc., Pelen, Inc., Jayco, Inc., Sunland Fire Protection, Inc., Dunn Plumbing Company, Inc., Essentials Protective Coatings, Inc., RJM Plumbing, Inc., Myrtle Beach Lighting, Inc. a/k/a R&L Lighting, Inc., Tri-City Insulation and Building Products of Myrtle Beach, Inc., Bond Group, Inc., Intracoastal Service Company, Inc., Sandpiper Heating & Air Conditioning, LLC, American Residential Services, LLC d/b/a American Residential Services of South Carolina, Inc., A.O. Hardee & Son, Inc., Vereen

Concrete Co., Inc., Michael Dawson d/b/a Michael Dawson Construction, Inc.,
Floors, Inc. successor by merger to Rice Planter Carpets, Inc., I.T.P., Inc., Carpets
By Kendall, Inc., Rice Planter Carpets, Inc. n/k/a Creative Touch Interiors, Inc.,
CEMS Engineering, Inc., Chris R. Clark, AIA, Crescent Architects, LLC, Bobby
L. Curry, Bobby Curry Engineers, Inc., and Right Way Construction, Inc. a/k/a
RWG, Inc. a/k/a Right Way Group, Inc. a/k/a RWGR, Inc..... Third-Party Defendants,

Cox Millwork & Supply, Inc, Fourth Party Plaintiff,


v.

Citation Manufacturing, Inc., Fourth Party Defendant.

Joint Notice of Cross-Appeal

Harleysville Insurance Company n/k/a Nationwide Insurance Company and Selective Insurance Company (“Cross-Appellants”) notice their cross-appeal from the June 21, 2019 Orders Denying Motions to Intervene by the Honorable Clifton Newman. Cross-Appellants received notice of the entry of the order from which they cross-appeal on June 21, 2019.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By:  _____

Robert C. Calamari, SC Bar No. 064985
E-Mail: bob.calamari@nelsonmullins.com
Matthew A. Abee, SC Bar No. 101100
E-Mail: matt.abee@nelsonmullins.com
Patrick F. O’Dea, SC Bar No. 004262
E-Mail: patrick.odea@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

*Attorneys for Harleysville Insurance Company n/k/a
Nationwide Insurance Company and Selective Insurance
Company*

Columbia, South Carolina
July 19, 2019

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Clifton Newman, Circuit Court Judge

Case No. 2015-CP-26-00279
Appellate Case No. 2019-001053

RECEIVED
JUL 19 2019
SC Court of Appeals

Ex Parte: Hartford Fire Insurance Company and Hartford Casualty Insurance Company, Appellants

In Re: The River Crossing Condominium Association, and Vincent J. Tamburro, on behalf of himself and others similarly situated Plaintiffs,

v.

Centex Homes, a Nevada General partnership; Centex Construction Company, Inc.; Centex Construction, LLC; Centex-Rooney Construction, Co. Inc.; Centex Rodgers, Inc.; Balfour Beatty Construction, LLC, f/k/a Centex Construction, LLC; Right Way Construction, Inc.; Right Way Group, Inc.; RWG, Inc.; RWGR, Inc.; Stock Building Supply, LLC f/k/a Stock Building Supply, Inc.; Builders FirstSource – Southeast Group, LLC, Martin Masonry, Inc.; Gary Hunnell d/b/a Grand Strand Roofing; Craftmaster Manufacturing, Inc. d/b/a CMI; Roof Doctor of the Carolinas, Inc.; Stock Building Supply, LLC f/k/a Carolina Builders Corporation; Orfield Laboratories, Inc.; Trebor Industries, Inc.; Steven Bosch d/b/a The Roofer Man; CertainTeed Corporation Successor by merger to Exterior Systems, Inc. a/k/a Norandex, Inc.; Weather Protection Systems, Inc.; Crawford Door Systems, Inc.; Cox Millwork & Supply, Inc; AM Jacobs Inc.; Galvin Depompe; Roberta Depompe; Morningstar Consultants, Inc.; JELD-WEN, Inc. as successor to and/or merger with Craftmaster Manufacturing, Inc. d/b/a CMI; and Sign Studio & Graphics, Inc., Defendants,

Of which The River Crossing Condominium Association, and Vincent J. Tamburro, on behalf of himself and others similarly situated, and Centex Homes, a Nevada General Partnership are, Respondents.

Centex Homes, a Nevada General Partnership, Third-Party Plaintiff,

v.

Carolina Drywall and Interiors a/k/a Carolina Drywall Contractors, Inc., Vance Johnson Plumbing Co., Inc., Bogle Electric, Inc., Pelen, Inc., Jayco, Inc., Sunland Fire Protection, Inc., Dunn Plumbing Company, Inc., Essentials Protective Coatings, Inc., RJM Plumbing, Inc., Myrtle Beach Lighting, Inc. a/k/a R&L Lighting, Inc., Tri-City Insulation and Building Products of Myrtle Beach, Inc., Bond Group, Inc., Intracoastal Service Company, Inc., Sandpiper Heating & Air Conditioning, LLC, American Residential Services, LLC d/b/a American Residential Services of South Carolina, Inc., A.O. Hardee & Son, Inc., Vereen

Concrete Co., Inc., Michael Dawson d/b/a Michael Dawson Construction, Inc., Floors, Inc. successor by merger to Rice Planter Carpets, Inc., I.T.P., Inc., Carpets By Kendall, Inc., Rice Planter Carpets, Inc. n/k/a Creative Touch Interiors, Inc., CEMS Engineering, Inc., Chris R. Clark, AIA, Crescent Architects, LLC, Bobby L. Curry, Bobby Curry Engineers, Inc., and Right Way Construction, Inc. a/k/a RWG, Inc. a/k/a Right Way Group, Inc. a/k/a RWGR, Inc.....Third-Party Defendants,

Cox Millwork & Supply, Inc, Fourth Party Plaintiff,

v.

Citation Manufacturing, Inc.,.....Fourth Party Defendant.

Proof of Service

I, the undersigned of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Harleysville Insurance Company n/k/a Nationwide Insurance Company and Selective Insurance Company, certify that I have served all counsel in this action with a copy of the documents(s) specified below by mailing a copy by United States Mail, postage prepaid, to the following address(es):

Document(s) Served:

Joint Notice of Cross-Appeal

Counsel Served:

Phillip W. Segui, Jr., Esquire
SEGUI LAW FIRM
864 Lowcountry Blvd. #A
Mt. Pleasant, SC 29464
psegui@seguilawfirm.com
Attorneys for Respondent The River Crossing Condominium Association and Vincent J. Tam-burro, on behalf of himself and others similarly situated

Edward Glenn Elliott, Esquire
AIKEN BRIDGES ELLIOTT TYLER & SALEEBY, P.A.
PO Drawer 1931
Florence, SC 29503
ege@aikenbridges.com
Attorney for Gary Hunnell, and Grand Strand Roofing & Sliding

John T. Chakeris
CHAKERIS LAW FIRM
231 Calhoun Street
Charleston SC 29403
john@chakerislawfirm.com
Attorneys for Respondent The River Crossing Condominium Association and Vincent J. Tam-burro, on behalf of himself and others similarly situated

Brian Wolfe, Esquire
BAUCOM CLAYTOR BENTON MORGAN & WOOD PA
200 Providence Road, Suite 106
Charlotte, NC 28207
bwolfe@baucomclaytor.com
Attorney for Roof Doctor of the Carolinas, Inc.

Jeffrey A. Ross, Esquire
Philip Paul Cristaldi III, Esquire

Shaun W. Cranford, Esquire
CRANFORD LAW
P.O. Box 50684
Columbia, SC 29250
shaun@cranfordlawfirm.com
*Attorneys for Respondent The River Crossing
Condominium As-sociation and Vincent J.
Tamburro, on behalf of himself and others
similarly situated*

Thomas C. Hildebrand, Jr., Esquire
Will G. DesChamps, IV, Esquire
PARKER POE ADAMS & BERNSTEIN
LLP
200 Meeting Street, Suite 301
Charleston, SC 29401
tomhildebrand@parkerpoe.com
willdeschamps@parkerpoe.com
*Attorneys for Centex Homes a Nevada
General Partnership, Centex Construction
Company, Inc., Centex Construction, LLC,
Centex-Rooney Construction, Co., Inc.,
Centex-Rodgers, Inc. and Balfour Beatty
Construction, LLC f/k/a Centex Construction,
LLC*

Laura Figueroa Locklair, Esquire
BOYLE & LEONARD, P.A.
28 Hasell Street
Charleston, SC 29401-3156
llocklair@insurance-counsel.com
*Attorney for Centex Homes, Centex
Construction Company Inc., Centex
Construction LLC, Centex Rooney
Construction Co. Inc., Centex Rogers Inc.,
Balfour Beatty Construction LLC*

Stephen P. Hughes, Esquire
David S. Black, Esquire
HOWELL GIBSON & HUGHES, PA
PO Box 40
Beaufort, SC 29901
sphughes@hgpha.com
dblack@hgpha.com
*Attorney Builders FirstSource-Southeast
Group, LLC*

ROSS CANGELOSI & ASSOCIATES
1100 Queensborough Blvd, Unit 201
Mount Pleasant, SC 29464
jross@rcaalaw.com
peristaldi@rcaalaw.com
Attorney for Martin Masonry, Inc.

Theodore L. Manos, Esquire
Michael E. Wright, Esquire
ROBERTSON HOLLINGSWORTH
MANOS & RAHN, LLC
550 King Street, Suite 300
Charleston, SC 29403
tlm@roblaw.net
mew@roblaw.net
Attorneys for RWG, Inc.

Paul Robert Rahn, Esquire
ROBERTSON HOLLINGSWORTH
MANOS & RAHN, LLC
550 King Street, Suite 300
Charleston, SC 29403
pr@roblaw.net
Attorney for Trebor Industries Inc.

Theodore Parker III, Esquire
Jacqueline D. Phillips, Esquire
Carlton Bowers, Esquire
PARKER NELSON & ASSOCIATES
211 King Street, Suite 107
Charleston, SC 29401
tparker@pnalaw.net
jdixon@pnalaw.net
cbowers@pnalaw.net
*Attorney for Stock Building Supply LLC f/k/a
Stock Building Supply, Inc.*

Edward D. Buckley, Jr., Esquire
Nicholas J. Rivera, Esquire
YOUNG CLEMENTS RIVERS LLP
PO Box 993
Charleston, SC 29402
ebuckley@yctrlaw.com
nrivera@yctrlaw.com
Attorneys for A.M. Jacob, Inc.

James M. Saleeby, Jr., Esquire
Preston Dawkins, Esquire
AIKEN BRIDGES ELLIOTT TYLER &
SALEEBY, P.A.
PO Drawer 1931
Florence, SC 29503
jms@aikenbridges.com
pbd@aikenbridges.com
Attorneys for Morningstar Consultants, Inc.

Shanna Stephens, Esquire
ANDERSON REYNOLDS & STEPHENS,
LLC
PO Box 87
Charleston, SC 29402
sstephens@arslawsc.com
*Attorney for Carolina Drywall & Interiors,
Inc. and Carolina Drywall Contractors, Inc.*

Joseph K. Carter, Jr., Esquire
TURNER PADGET GRAHAM & LANEY
PA
PO Box 1473
Columbia, SC 29202
kcarter@turnerpadget.com
*Attorney for Tri-City Insulation & Building
Products of Myrtle Beach, Inc.*

Sarah E. Wetmore, Esquire
Madison B. Suttie, Esquire
CARLOCK COPELAND & STAIR, LLP
40 Calhoun Street, Suite 400
Charleston, SC 29401
swetmore@carlockcopeland.com
msuttie@carlockcopeland.com
*Attorneys for Weather Protection Systems,
Inc.*

Lawrence Hunter, Esquire
HUNTER & FOSTER, P.A.
Post Office Box 10309
Greenville, S.C. 29603
lawrence@hunterfoster.com
*Attorney for BITCO General Insurance
Corporation*

Steven A. Meckler, Esquire
Christian Staples, Esquire
SHUMAKER, LOOP & KENDRICK, LLP
101 S. Tryon Street, Suite 2200
Charlotte, NC 28280
smeckler@shumaker.com
cstaples@shumaker.com
*Attorneys for Defendant Jeld-Wen, Inc., as
successor to and/or merger with Craftmaster
Manufacturing, Inc. d/b/a CMI and the party
improperly identified as Craftmaster
Manufacturing, Inc. d/b/a CMI*

Kevin W. Mims, Esquire
Timothy C. Dargan, Esquire
LUZURIAGA MIMS, LLP
50 Immigration Street, Suite 200
Charleston, SC 29403
kmims@lmlawllp.com
tdargan@lmlawllp.com
*Attorneys for Defendant Crawford Door
Systems, Inc.*

Dunn D. Hollingsworth, Esquire
Jillian S. Barton, Esquire
ROBERTSON HOLLINGSWORTH
MANOS & RAHN, LLC
550 King Street, Suite 300
Charleston, SC 29403
ddh@roblaw.net
jsb@roblaw.net
*Attorneys for Defendant Crawford Door
Systems, Inc.*

Christina A. Bisset, Esquire
MCANGUS, GOUDELOCK & COURIE,
LLC
PO Box 1349
Myrtle Beach, SC 29578
christina.bisset@mgclaw.com
*Attorney for Third-Party Defendant Sunland
Fire Protection, Inc.*


Clay McCullough, Esquire
Ross A. Appel, Esquire
MCCULLOUGH KHAN, LLC

Neil S. Haldrup, Esquire
Thomas B. Boger, Esquire
WALL TEMPLETON & HALDRUP, P.A.
145 King Street, Suite 300
Post Office Box 1200
Charleston, SC 29401
Neil.Haldrup@WallTempleton.com
Tommy.Boger@WallTempleton.com
*Attorneys for Appellant Clarendon National
Insurance Company, Successor By Merger to
Clarendon America Insurance Company*

359 King Street, Suite 200
Charleston, SC 29401
clay@mklawsc.com
ross@mklawsc.com
*Attorneys for American Empire Surplus Lines
Insurance Company*

Robert Kennedy, Esquire
PHELPS DUNBAR LLP
GlenLake One
4140 ParkLake Avenue, Suite 100
Raleigh, NC 27612
robert.kennedy@phelps.com
Attorney for Scottsdale Insurance Company

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 
Matthew A. Abee, SC Bar No. 101100
E-Mail: matt.abee@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

*Attorneys for Harleysville Insurance Company n/k/a Nationwide
Insurance Company and Selective Insurance Company*

Columbia, South Carolina
July 19, 2019

Matthew A. Abee
Admitted in SC and NC
T 803.255.9335
matt.abee@nelsonmullins.com

1320 Main Street | 17th Floor
Columbia, SC 29201
T 803.799.2000 F 803.256.7500
nelsonmullins.com

July 19, 2019

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court SC Court of Appeals
1220 Senate Street
Columbia, SC 29201

RECEIVED
JUL 19 2019
SC Court of Appeals

RE: The River Crossing Condominium Association and Vincent J. Tamburro v. Centex Homes, et al. (Ex Parte: Harleysville Insurance Company n/k/a Nationwide Insurance Company and Selective Insurance Company)
Civil Action No. 2015-CP-26-0279
NMRS File No. 018813.01551

Dear Ms. Kitchings:

Enclosed for filing is the original Joint Notice of Cross Appeal along with one (1) copy, for filing with the court. Please file the original and return a clocked-in copy to our courier. I have also enclosed the following:

1. Original Proof of Service of the Notice of Appeal and one (1) copy to be filed with the court and returned to our courier;
2. A copy of the Order which is to be challenged on appeal; and
3. My firm's check for the filing fee of \$250.00.

By copy of this letter I am hereby serving all counsel of record a copy of same. Thank you for your assistance with this filing and please contact me should you have any questions.

Respectfully,



Matthew A. Abee

RECEIVED
JUL 19 2019
SC Court of Appeals

MAA:dp
Enclosures
cc: All Counsel of Record