

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Clifton Newman, Circuit Court Judge

RECEIVED
JUL 10 2019
SC Court of Appeals

Case No. 2015-CP-26-00118

Ex. Parte: Harleysville Insurance Company n/k/a Nationwide Insurance Company
and Selective Insurance Company, Appellants,
The Havens Condominium Association, Plaintiff,

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., Hardworkers Construction, LLC, Stock Building Supply, LLC, f/k/a Stock
Building Supply, Inc., Builders Firstsource-Southeast Group, LLC, Martin
Masonry, Inc., Martin Masonry, Inc., d/b/a Ramon Masonry, Briggs Masonry,
Inc., Archer Exteriors, Inc., Gray Hunnell d/b/a Grand Strand Roofing,
Craftmaster Manufacturing, Inc., d/b/a CMI, Stock Building Supply, LLC, f/k/a
Carolina Builders Corporation, Hardworkers Construction, Co., LLC, Certainteed
Corporation, Successor By Merger to Exterior Systems, Inc., a/k/a Norandax,
Inc., Ramon Bernardino d/b/a Ramon Masonry, Moringstar Consultants, Inc.,
LPM Enterprises, Inc., f/k/a Loss Prevention Management, Inc., Professional
Service Industries, Inc., Jeld-Wen, Inc., as Successor to and/or Merger with
Craftmaster Manufacturing, Inc., d/b/a CMI, and Elite Exteriors, LLC, Defendants,

Of which The Havens Condominium Association and Centex Homes, A Nevada
General Partnership, Respondents.

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

v.

Stock Building Supply, LLC f/k/a Carolina Builders Corporation, Cohen's
Drywall & Interiors a/k/a Carolina Drywall Contractors, Inc., Tri-City Insulation
and Building Productions of Myrtle Beach, Inc., Right Way Construction, Inc. -
a/k/a RWG, Inc. a/k/a Right Way Group, Inc. a/k/a RWGR, Inc., Sunland Fire
Protection, Inc., Grand Strand Roofing & Siding, Weather Protection Systems,
Inc., Moringstar Consultants, Inc., Bobby Curry Engineers, Inc. a/k/a Bobby
Curry Engineering, Inc., General Landscape Maintenance, LLC, Trebor
Industries, Inc., Professional Service Industries, Inc., a/k/a PSI, Inc., Hardworkers
Construction Co., Inc., Universal Forest Products Shoffner, LLC, Universal
Forest Products, Inc., Universal Forest Products Eastern Division, Inc., n/k/a UFP
Eastern Division, Inc., Atlantic Building Components & Services, Inc.,

Certainteed Corporation, successor by merger to Exterior System, Inc. a/k/a Norandex, Inc., Briggs Masonry, Ramon Bernardino d/b/a Ramon Masonry, RJM Plumbing, Inc., Carolina Cool, Inc., f/k/a Carolina Cooling and Plumbing, Inc., Dean Custom Air, LLC, All Heating and Cooling Service Corp., JS Elite Flooring Company a/k/a JS Elite Tile Company, LPM Enterprises, Inc. f/k/a Loss Prevention Management Home Inspections, Inc., Elite Exteriors, LLC, Michael Dawson d/b/a Michael Dawson Construction, Inc., Georgetown Construction Services, AO Hardee & Son, Inc., The Martin Architectural Group, P.C., The Harman Group, Inc. f/k/a Cagley Harman & Association, Inc., Roy Larry Schlein & Association, P.A. a/k/a Roy Larry Schlein & Associates Corporation, and Miller Design Services, P.A.,.....Third-Party Defendants.

Joint Notice of Appeal

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

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 
Robert C. Calamari, SC Bar No. 064985
E-Mail: bob.calamari@nelsonmullins.com
Patrick F. O’Dea, SC Bar No. 004262
E-Mail: patrick.odea@nelsonmullins.com
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

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-26-00118

RECEIVED
JUL 19 2019
SC Court of Appeals

Ex. Parte: Harleysville Insurance Company n/k/a Nationwide Insurance Company
and Selective Insurance Company, Appellants,

The Havens Condominium Association, Plaintiff,

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.,
Hardworkers Construction, LLC, Stock Building Supply, LLC, f/k/a Stock
Building Supply, Inc., Builders Firstsource-Southeast Group, LLC, Martin
Masonry, Inc., Martin Masonry, Inc., d/b/a Ramon Masonry, Briggs Masonry, Inc.,
Archer Exteriors, Inc., Gray Hunnell d/b/a Grand Strand Roofing, Craftmaster
Manufacturing, Inc., d/b/a CMI, Stock Building Supply, LLC, f/k/a Carolina
Builders Corporation, Hardworkers Construction, Co., LLC, Certainteed
Corporation, Successor By Merger to Exterior Systems, Inc., a/k/a Norandax, Inc.,
Ramon Bernardino d/b/a Ramon Masonry, Moringstar Consultants, Inc., LPM
Enterprises, Inc., f/k/a Loss Prevention Management, Inc., Professional Service
Industries, Inc., Jeld-Wen, Inc., as Successor to and/or Merger with Craftmaster
Manufacturing, Inc., d/b/a CMI, and Elite Exteriors, LLC, Defendants,

Of which The Havens Condominium Association and Centex Homes, A Nevada
General Partnership, Respondents.

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

v.

Stock Building Supply, LLC f/k/a Carolina Builders Corporation, Cohen's Drywall
& Interiors a/k/a Carolina Drywall Contractors, Inc., Tri-City Insulation and
Building Productions of Myrtle Beach, Inc., Right Way Construction, Inc. a/k/a
RWG, Inc. a/k/a Right Way Group, Inc. a/k/a RWGR, Inc., Sunland Fire Protection,
Inc., Grand Strand Roofing & Siding, Weather Protection Systems, Inc.,
Moringstar Consultants, Inc., Bobby Curry Engineers, Inc. a/k/a Bobby Curry
Engineering, Inc., General Landscape Maintenance, LLC, Trebor Industries, Inc.,
Professional Service Industries, Inc., a/k/a PSI, Inc., Hardworkers Construction
Co., Inc., Universal Forest Products Shoffner, LLC, Universal Forest Products,
Inc., Universal Forest Products Eastern Division, Inc., n/k/a UFP Eastern Division,
Inc., Atlantic Building Components & Services, Inc., Certainteed Corporation,

successor by merger to Exterior System, Inc. a/k/a Norandex, Inc., Briggs Masonry, Ramon Bernardino d/b/a Ramon Masonry, RJM Plumbing, Inc., Carolina Cool, Inc., f/k/a Carolina Cooling and Plumbing, Inc., Dean Custom Air, LLC, All Heating and Cooling Service Corp., JS Elite Flooring Company a/k/a JS Elite Tile Company, LPM Enterprises, Inc. f/k/a Loss Prevention Management Home Inspections, Inc., Elite Exteriors, LLC, Michael Dawson d/b/a Michael Dawson Construction, Inc., Georgetown Construction Services, AO Hardee & Son, Inc., The Martin Architectural Group, P.C., The Harman Group, Inc. f/k/a Cagley Harman & Association, Inc., Roy Larry Schlein & Association, P.A. a/k/a Roy Larry Schlein & Associates Corporation, and Miller Design Services, P.A., Third-Party Defendants.

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*

Mark Steven Barrow, Esquire
Christy Elizabeth Mahon, Esquire
SWEENEY WINGATE & BARROW PA
PO Box 12129
Columbia, SC 29211
cem@swblaw.com
msb@swblaw.com
*Attorney for Hartford Casualty Insurance
Company*

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*

Edward Glenn Elliott, Esquire
AIKEN BRIDGES ELLIOTT TYLER &
SALEEBY, P.A.
PO Drawer 1931

Shaun W. Cranford, Esquire

CRANFORD LAW
P.O. Box 50684
Columbia, SC 29250
shaun@cranfordlawfirm.com
*Attorneys for Respondent The River Crossing
Condominium Association 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*

Florence, SC 29503
ege@aikenbridges.com
*Attorney for Gary Hunnell, and Grand Strand
Roofing & Sliding*

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
ROSS CANGELOSI & ASSOCIATES
1100 Queensborough Blvd, Unit 201
Mount Pleasant, SC 29464
jross@rcaalaw.com
pcristaldi@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

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*

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@ycrlaw.com
nrivera@ycrlaw.com
Attorneys for A.M. Jacob, Inc.

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

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*

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
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



NELSON MULLINS

NELSON MULLINS RILEY & SCARBOROUGH LLP
ATTORNEYS AND COUNSELORS AT LAW

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

RE: The Havens Condominium Association v. Centex Homes, et al. (Ex Parte: Harleysville Insurance Company f/k/a Nationwide Insurance Company and Selective Insurance Company)
Civil Action Number 2015-CP-26-00118
NMRS File No. 032161.01506

RECEIVED

JUL 19 2019

SC Court of Appeals

Dear Ms. Kitchings:

Enclosed for filing is the original Joint Notice of 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

MAA:dp
Enclosures
cc: All Counsel of Record