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JAN 28 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

William A. McKinnon, Circuit Court Judge

Case No. 2019-CP-29-00564
Appellate Case No. 2020-001427

James Panicara and Sylvia Panicara, Respondents,

v.

BB Carolina Holdings f/k/a Bonterra Builders, LLC; and Quality Builders
Warranty Corporation, Defendants,

Of which Quality Builders Warranty Corporation is the Appellant.

AND

Bonterra Builders, LLC, Third-Party Plaintiff,

v.

One Grade, Inc.; Summit Engineering, Laboratory, and Surveying; Summit Land
Services, P.C. n/k/a Veritas Land; Sanchez Concrete Co., Inc.; Nash Company,
Inc., Third-Party Defendants.

**APPELLANT QUALITY BUILDERS WARRANTY
CORPORATION'S MOTION TO
HOLD APPEAL IN ABEYANCE**

Appellant Quality Builders Warranty Corporation ("QBW"), pursuant to 240(a), SCACR, respectfully moves the Court to hold the above-captioned appeal in abeyance pending the execution of the settlement agreement between the parties.

On December 7, 2020, the parties to the above-captioned matter participated in a mediation. At the completion of the mediation, the parties entered into a preliminary agreement

to resolve the case. However, due to the December holidays and delays directly caused by the COVID-19 pandemic, the parties require additional time to completely resolve the lawsuit and the above-captioned appeal.

WHEREFORE, QBW respectfully requests the Court issue an order holding the appeal in abeyance pending the execution of a settlement agreement by all of the necessary parties. Upon the execution of the settlement agreement by all of the necessary parties, QBW will file a Notice of Agreed Dismissal of Appeal with the Court. If one of the necessary parties to the settlement agreement ultimately fails or refuses to execute the settlement agreement, then QBW will immediately notify the Court and move to reinstate the appellate proceedings.

s/Katon E. Dawson Jr.
James Lynn Werner, (SC Bar No. 6029)
Lawrence M. Hershon (SC Bar No. 77514)
Katon E. Dawson, Jr. (SC Bar No. 101167)
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January 26, 2021
Columbia, SC

Attorneys for Appellant Quality Builders Warranty Corporation

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Inc., Third-Party Defendants.

PROOF OF SERVICE

The undersigned hereby certifies that on January 26, 2021, copies of **Quality Builders Warranty Corporation's Motion to Hold Appeal in Abeyance** were served on counsel of record for the Respondents via email containing the above referenced document to counsel's individual AIS email address pursuant to South Carolina Supreme Court COVID Order 2020-05-29-02 as follows:

J. Cameron Halford
238 Rockmont Drive
Fort Mill, SC 29708
Phone: (803) 547-6618
cam@hoblaw.com

Attorney for Respondents

s/Katon E. Dawson Jr.

James Lynn Werner, (SC Bar No. 6029)
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January 26, 2021
Columbia, SC

Attorneys for Appellant Quality Builders Warranty Corporation



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Spartanburg, SC

January 26, 2021

Via E-mail [ctappfilings@sccourts.org]

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

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JAN 28 2021

SC Court of Appeals

Re: *James Panicara and Sylvia Panicara v. BB Carolina Holdings f/k/a Bonterra Builders, LLC, and Quality Builders Warranty Corporation*
Appellate Case No. 2020-001427

Dear Mrs. Kitchings:

In connection with the above-referenced matter, enclosed for filing please find Quality Builders Warranty Corporation's Motion to Hold Appeal in Abeyance. Also enclosed please find the Proof of Service, and this Firm's check in the amount of fifty dollars (\$50) in satisfaction of the Court of Appeals' filing Fee.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katon E. Dawson, Jr.'.

Katon E. Dawson, Jr.

KED
Enclosures

cc: J. Cameron Halford (cam@hoblaw.com) (via Email only)

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