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Sep 13 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Michael G. Nettles, Circuit Court Judge

Case No. 2018-CP-22-00824
Appellate Case No. 2021-000325

Evarista Juan Lorenzo, Appellant,

v.

Port City Elevator, Inc.; Alan Topper d/b/a All Construction; 2020 Custom Contractors a/k/a 2020 Custom Contractors, LLC; Citadel Site Management, LLC; DVBT Construction a/k/a DVBT Construction, LLC; DVBT Multiservices, LLC; Beverly Construction Group, LLC; Beverly Homes, LLC; Beverly Homebuilders, LLC; Strand Paint Contractors, LLC; Depaz Painting, LLC; Enhanced Heating & Air Conditioning, LLC; Carlton Pender, and Joan Pender, Defendants,

Of Which,

Port City Elevator, Inc.; Alan Topper d/b/a All Construction; 2020 Custom Contractors a/k/a 2020 Custom Contractors, LLC; Citadel Site Management, LLC; DVBT Construction a/k/a DVBT Construction, LLC; DVBT Multiservices, LLC; Beverly Construction Group, LLC; Beverly Homes, LLC; Beverly Homebuilders, LLC; Strand Paint Contractors, LLC; Depaz Painting, LLC; Enhanced Heating & Air Conditioning, LLC are the Respondents.

**NOTICE OF SETTLEMENT AND
AGREED DISMISSAL BETWEEN
APPELLANT AND RESPONDENT
PORT CITY ELEVATOR, INC. ONLY
(NOT ENDING APPEAL)**

Appellant Evarista Juan Lorenzo and Respondent Port City Elevator, Inc., by and through undersigned counsel, hereby inform this Court of a settlement agreement between Appellant and Respondent Port City Elevator, Inc., and a subsequently filed stipulation of dismissal with prejudice as to only Respondent Port City Elevator, Inc., which is not ending this case and is not ending this Appeal. Attached hereto as Exhibit "A" and incorporated herein by reference is a stipulation of dismissal as to Respondent Port City Elevator, Inc. filed in the Georgetown County Court of Common Pleas (Case No.2018-CP-22-00824) on June 23, 2021.

Pursuant to Rule 260(b), SCACR, Appellant and Respondent Port City Elevator, Inc. respectfully request an order of dismissal and a dismissal from the caption in this case as to Respondent Port City Elevator, Inc., only, which will not be case ending and will not end the Appeal which will continue.

Respectfully submitted,

s/P. Brooke Eaves Wright

Ian D. Maguire

P. Brooke Eaves Wright

Maguire Law Firm

1600 North Oak Street, Suite B

Myrtle Beach, SC 29577

ian@maguirelawfirm.com

eaves@maguirelawfirm.com

AND

Thomas J. Rode

Thurmond Kirchner & Timbes, P.A.

15 Middle Atlantic Wharf

Charleston, SC 29401

Thomas@tklawyers.com

Attorneys for Appellant

s/ Joshua D. Shaw _____

Joshua D. Shaw

Hedrick Gardner Kincheloe & Garofalo LLP

1230 Main Street, Ste. 325

Columbia, SC 29201

jshaw@hedrickgardner.com

Attorney for Respondent Port City

Elevator, Inc.

September 13, 2021

STATE OF SOUTH CAROLINA

COUNTY OF GEORGETOWN

EVARISTA JUAN LORENZO,

Plaintiff,

vs.

PORT CITY ELEVATOR, INC., ALAN
TOPPER d/b/a TOPPERS ALL
CONSTRUCTION, 2020 CUSTOM
CONTRACTORS, CITADEL SITE
MANAGEMENT, LLC, DVBT
CONSTRUCTION a/k/a DVBT
CONSTRUCTION LLC, DVBT
MULTISERVICES LLC, BEVERLY
CONSTRUCTION GROUP, LLC,
BEVERLY HOMES, LLC, BEVERLY
HOMEBUILDERS, LLC, STRAND PAINT
CONTRACTORS, LLC, DePAZ PAINTING
LLC, ENHANCED HEATING & AIR
CONDITIONING, LLC, CARLTON
PENDER and JOAN PENDER.

Defendants.

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT
C/A NO.: 2018-CP-22-00824

**STIPULATION OF DISMISSAL WITH
PREJUDICE AS TO PLAINTIFF
LORENZO'S CLAIMS AGAINST PORT
CITY ELEVATOR, INC. ONLY**

(Not Case Ending)

Plaintiff has resolved her claims against Port City Elevator, Inc. ("Port City") and consents to the dismissal of Port City from this action, with prejudice, pursuant to Rule 41(a) of the South Carolina Rules of Civil Procedure as to all claims by or on behalf of the Plaintiff against Port City only. Plaintiff and Port City each agree to bear their own costs and fees associated with Plaintiff's claims against Port City which are being dismissed herein. The within stipulation does not affect in any way Plaintiff's claims against other parties in the above-referenced matter and the **above-referenced case will continue as this stipulation of dismissal is not case ending.**



Therefore, the Plaintiff's claims against Port City within the above captioned matter are dismissed with prejudice as to Port City only, with the above captioned matter continuing as this stipulation of dismissal is not case ending, pursuant to Rule 41(a) of the South Carolina Rules of Civil Procedure.

WE SO STIPULATE:

s/ P. Brooke Eaves Wright
Ian D. Maguire, Esquire (SC Bar No. 66587)
P. Brooke Eaves Wright, Esquire (SC Bar No. 102021)
Maguire Law Firm
1600 North Oak Street, Ste. B
Myrtle Beach, SC 29577
PH: 843.361.7549
ian@maguirelawfirm.com
eaves@maguirelawfirm.com

Attorneys for Plaintiff

s/Joseph D. Spate
Roopal S. Ruparelia, Esquire (SC Bar No. 16003)
Joseph D. Spate, Esquire (SC Bar No. 103734)
Haynsworth Sinkler Boyd, P.A.
1201 Main Street, 22nd Floor
Post Office Box 11889 (29211-1889)
Columbia, South Carolina 29201
PH: 803.779.3080
rruparelia@hsblawfirm.com
jspate@hsblawfirm.com

Attorneys for Defendant DVBT Construction a/k/a DVBT Construction LLC

s/ Joshua D. Shaw

Joshua D. Shaw, Esquire (SC Bar No. 77835)
Brandy G. Price, Esquire (SC Bar No. 101838)
Hedrick Gardner Kincheloe & Garofalo, LLP
1230 Main Street, Ste. 325
Columbia, SC 29201
PH: 803.727.1221
jshaw@hedrickgardner.com
bprice@hedrickgardner.com

Attorneys for Defendant Port City Elevator, Inc.

s/ Katherine A. Walker

R. Michael Ethridge, Esquire (SC Bar No. 16892)
Katherine A. Walker, Esquire (SC Bar No. 78202)
Ethridge Law Group, LLC
P.O. Box 20969
Charleston, SC 29413
PH: 843.614.0007
methridge@ethridgelawgroup.com
kwalker@ethridgelawgroup.com

Attorneys for Defendant Alan Topper d/b/a Toppers All Construction

s/ William W. Watkins, Jr.

William W. Watkins, Jr., Esquire (SC Bar No. 73582)
John J. Dodds, IV, Esquire (SC Bar No. 102690)
Thomas B. Boger, Esquire (SC Bar No. 81228)
Wall Templeton & Haldrup, P.A.
P.O. Box 1200
Charleston, SC 29402
PH: 843.329.9500
Trey.watkins@walltempleton.com
John.dodds@walltempleton.com
Tommy.Boger@walltempleton.com

Attorneys for 2020 Custom Contractors a/k/a 2020 Custom Contractors LLC

s/ Kristen K. Thompson

Lee C. Weatherly, Esquire (SC Bar No. 71109)
Kierra N. Brown, Esquire (SC Bar No. 103143)
Kristen K. Thompson, Esquire (SC Bar No. 100659)
Copeland, Stair, Kingma & Lovell, LLP
40 Calhoun Street, Ste. 400
Charleston, SC 29401
PH: 843.727.0307
lweatherly@cskl.law
kbrown@cskl.law
kthompson@cskl.law

Christopher H. Pearce, Esquire (SC Bar No. 71083)
Raymond Wells, Esquire
The Pearce Law Group, P.C.
1314 Professional Drive
Myrtle Beach, SC 29577
PH: 843.839.3210
cpearce@pearcelawgroup.com
rwells@pearcelawgroup.com

Attorneys for Defendant Beverly Construction Group, LLC

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LLC; Citadel Site Management, LLC; DVBT Construction
a/k/a DVBT Construction, LLC; DVBT Multiservices, LLC;
Beverly Construction Group, LLC; Beverly Homes, LLC;
Beverly Homebuilders, LLC; Strand Paint Contractors, LLC;
Depaz Painting, LLC; Enhanced Heating & Air Conditioning,
LLC; Carlton Pender, and Joan Pender, Defendants,

Of Which,

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Citadel Site Management, LLC; DVBT Construction a/k/a
DVBT Construction, LLC; DVBT Multiservices, LLC; Beverly
Construction Group, LLC; Beverly Homes, LLC; Beverly
Homebuilders, LLC; Strand Paint Contractors, LLC; Depaz
Painting, LLC; Enhanced Heating & Air Conditioning, LLC are
the Respondents.

PROOF OF SERVICE

The undersigned hereby certifies that on September 13, 2021, copies of **Notice of Settlement
and Agreed Dismissal Between Appellant and Respondent Port City Elevator, Inc. Only**

were served on counsel of record for the Appellant and 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:

Ian D. Maguire
P. Brooke Eaves Wright
Maguire Law Firm
1600 North Oak Street, Suite B
Myrtle Beach, SC 29577
ian@maguirelawfirm.com
eaves@maguirelawfirm.com

AND

Thomas J. Rode
Thurmond Kirchner & Timbes, P.A.
15 Middle Atlantic Wharf
Charleston, SC 29401
Thomas@tklawyers.com
Attorneys for Appellant

David S. Cobb, Esquire
Turner Padget Graham & Laney, P.A.
Post Office Box 22129
Charleston, SC 29413-2129
DCobb@TurnerPadget.com
Attorneys for Beverly Homes, LLC

Lee C. Weatherly, Esquire
Copeland, Stair, Kingma & Love II, LLP
40 Calhoun Street, Suite 400
Charleston, SC 29401-3531
lweatherly@cskl.law
Attorneys for Beverly Construction Group, LLC

William Wharton Watkins, Jr., Esquire
John Joseph Dodds, IV, Esquire
Morgan S. Templeton, Esquire
Wall Templeton & Haldrup, PA
145 King Street, Suite 300 Charleston, SC 29401
Trey.Watkins@walltempleton.com
John.Dodds@WallTempleton.com

Morgan.Templeton@Walltempleton.com
Attorneys for 2020 Custom Contractors

Katherine Walker, Esquire
Michael Ethridge, Esquire
Ethridge Law Group, LLC
PO Box 20969
Charleston, SC 29413
KWalker@EthridgeLawGroup.com
MEthridge@EthridgeLawGroup.com
Attorneys for Alan Topper d/b/a All Construction

Roopal S. Ruparelia, Esquire Haynsworth Sinkler Boyd , PA
1201 Main Street, 22nd Floor
Columbia, SC 29201
rruparelia@hsblawfirm.com
Attorneys for DVBT Construction & DVBT Multiservices, LLC

Karl S. Brehmer, Esquire Brown & Brehmer
PO Box 7966
Columbia, SC 29202
ksb@brownandbrehmer.com
Attorneys for Strand Paint Contractors , LLC

Christopher H. Pearce, Esquire
L. Raymond Wells, IV, Esquire
The Pearce Law Group, P.C.
1314 Professional Drive
Myrtle Beach, SC 29577
CPearce@PearceLawGroup.com
RWells@PearceLawGroup.com
Attorneys for Beverly Homebuilders, LLC

E. Glenn Elliott, Esquire
Aiken Bridges Elliott Tyler & Saleeby, P.A.
181 East Evans Street, Suite 409
Florence, SC 29506
ege@aikenbridges.com
Attorneys for Depaz Painting, LLC

Christina A. Bisset, Esquire
McAngus Goudebeck & Courie, LLC
PO Box 1349
Myrtle Beach, SC 29578
christina.bisset@mglaw.com

Attorneys for Citadel Site Management, LLC

s/Caroline Slough _____

Caroline Slough

September 13, 2021
Columbia, SC