

RECEIVED

Apr 19 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Daniel D. Hall, Circuit Court Judge

Appellate Case No. 2022-00290

Case No. 2020-CP-46-02006

Eastwood Construction Partners, LLC and
Eastwood Development Corporation, Appellants,

v.

GHD Brooks Creek, AF-Brooks Creek, LLC,
GHD River Falls, LLC, AF-River Falls, LLC,
Greenhawk Corporation, Inc. and TRI Pointe Homes, Inc., Respondents.

**MOTION TO DISMISS THE APRIL 13, 2022
PETITION OF EASTWOOD CONSTRUCTION
PARTNERS, LLC AND EASTWOOD
DEVELOPMENT CORPORATION**

Respondents GHD-Brooks Creek, LLC, AF-Brooks Creek, LLC, GHD-River Falls, LLC,
AF-River Falls, LLC, Greenhawk Corporation, Inc., and TRI Pointe Homes, Inc., respectfully
respond to the Appellants' Petition for Supersedeas filed and served on April 13, 2022 (hereinafter
the "Petition"), and show the Court that the Petition should be dismissed as premature.

Appellants seek an order vacating Form-4 orders entered by Judge Daniel D. Hall on April 13, 2022, lifting the automatic stay pending appeal of his previous orders granting partial summary judgment dismissing claims for specific performance and cancelling Lis Pendens notices filed by Appellants.

In their Petition, Appellants state that they are “seeking review of the Form-4s rather than awaiting formal, written orders to insure that Respondents do not sell the properties at issue in this appeal before this Court can review the Circuit Court’s Orders.” However, pursuant to Rule 203(b)(1), SCACR, “when a form or other short order or judgment indicates that a more full and complete order or judgment is to follow, a party need not appeal until receipt of written notice of entry of the more complete order or judgment.” *See Doe v. Berkley Publishers*, 322 S.C. 307 at 315-316, 471 S.E.2d 731 at 735 (1996). Judge Hall’s Form 4 orders directed the Respondents below to prepare written orders.

On April 18, 2022, the trial court entered full and complete orders lifting the stay of the trial court’s previous order cancelling the Lis Pendens. Appellants immediately filed new notices of appeal with the Court of Appeals along with a Second Emergency Petition for an Order of Supersedeas.

Accordingly, the April 13, 2022 appeals of Judge Hall’s Form-4 orders lifting the automatic stay are moot and should be dismissed pursuant to Rules 203(b)(1) and 260(a), SCACR.

WHEREFORE, these Respondents request that the appeal of the Form-4 orders entered by Judge Hall on April 13, 2022, be dismissed as premature pursuant to Rules 203(b)(1) and 260(a), SCACR, and as having been mooted by the subsequent appeals of his complete orders entered April 18, 2022.

Respectfully submitted,

NEXSEN PRUET, LLC

s/Andrew A. Mathias

Andrew A. Mathias (S.C. Bar No. 76220)
Konstantine P. Diamaduros (S.C. Bar No. 102231)
104 South Main Street, Suite 900 (29601)
Post Office Box 10648
Greenville, South Carolina 29603-0648
Telephone: 864.370.2211
Facsimile: 864.282.1177
AMathias@nexsenpruet.com
KDiamaduros@nexsenpruet.com

John I. Mabe (N.C. Bar No. 9355)
Pro Hac Vice Counsel
4141 Parklake Avenue, Suite 200
Raleigh, North Carolina 27612
Telephone: 919.755.1800
Facsimile: 919.653.0435
jmabe@nexsenpruet.com

*Attorneys for Respondents GHD-Brooks Creek, LLC,
AF-Brooks Creek, LLC, GHD-River Falls, LLC, AF-
River Falls, LLC, and Greenhawk Corporation, Inc.*

/s/ Stephen M. Cox

Stephen M. Cox
S.C. Bar No. 12263
scox@robinsonbradshaw.com
Amanda P. Nitto
S.C. Bar No. 101834
anitto@robinsonbradshaw.com
ROBINSON, BRADSHAW & HINSON, P.A.
202 E. Main St., Ste. 201
Rock Hill, South Carolina 29730
Telephone: 803.325.2900
Facsimile: 803.325.2929

*Attorneys for Respondent TRI Pointe Homes
Holdings, Inc.*

April 19, 2022
Greenville, South Carolina

RECEIVED

Apr 19 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Daniel D. Hall, Circuit Court Judge

Appellate Case No. 2022-00290

Case No. 2020-CP-46-02006

Eastwood Construction Partners, LLC and
Eastwood Development Corporation, Appellants,

v.

GHD Brooks Creek, AF-Brooks Creek, LLC,
GHD River Falls, LLC, AF-River Falls, LLC,
Greenhawk Corporation, Inc. and TRI Pointe Homes, Inc., Respondents.

PROOF OF SERVICE

I, Cathy Golisch, a Paralegal with Nexsen Pruet LLC, certify that I have served the Notice of Pro Hac Vice Admission, and Motion to Dismiss on the Appellants and Respondents by forwarding copies of same via electronic mail addressed to their attorneys of record as follows:

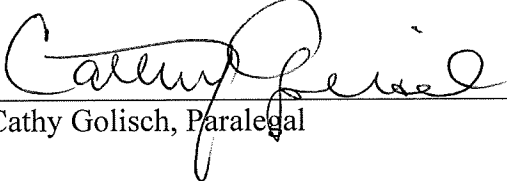
Andrew A. Mathias
amathias@nexsenpruet.com
Konstantine P. Diamaduros
kdiamaduros@nexsenpruet.com
104 South Main Street, Suite 900 (29601)
Post Office Box 10648
Greenville, South Carolina 29603-0648

John I. Mabe
jmabe@nexsenpruet.com
Pro Hac Vice Counsel
4141 Parklake Avenue, Suite 200
Raleigh, North Carolina 27612

Stephen M. Cox
scox@robinsonbradshaw.com
Amanda P. Nitto
anitto@robinsonbradshaw.com
Robinson Bradshaw & Hinson, PA
202 E. Main St., Ste. 201
Rock Hill, South Carolina 29730

James C. Adams II
jadams@brookspierce.com
Brooks Pierce
2000 Renaissance Plaza
230 North Elm Street
Greensboro, NC 27401

James Edward Bradley
ward@mbmlawsc.com
Moore Bradley Myers
1700 Sunset Boulevard
West Columbia, SC 29169


Cathy Golisch, Paralegal

Greenville, South Carolina
April 19, 2022

April 19, 2022

RECEIVED

Apr 19 2022

SC Court of Appeals

VIA EMAIL

Hon. Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: *Eastwood Construction Partners, LLC and Eastwood Development Corporation, Appellants v. GHD Brooks Creek, AF-Brooks Creek, LLC, GHD River Falls, LLC, AF-River Falls, LLC, Greenhawk Corporation, Inc., and TRI Point Homes, Inc., Respondents*
Appellate Case No. 2022-00290

Dear Ms. Kitchings:

Regarding the above-referenced case, enclosed please find the following:

- 1) Notice of Pro Hac Vice Admission of John I. Mabe; and
- 2) Motion to Dismiss the April 13, 2022 Petition of Eastwood Construction Partners, LLC and Eastwood Development Corporation.

By copy of this letter, I have served counsel for Appellants and Respondents, as indicated in the enclosed Proof of Service. This firm's check in the amount of \$50.00 for filing of the Motion to Dismiss is being sent to you via U.S. Mail.

Sincerely,



Andrew A. Mathias

AAM/cg
enclosures
cc: counsel of record (via email)

Austin
Charleston
Charlotte
Columbia
Greensboro
Greenville
Bluffton / Hilton Head
Myrtle Beach
Raleigh