

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Vista Del Mar Condominiums, LLC,)
)
Plaintiff,)

C.A No.: 4:09-cv-02869-JMC

-vs-

**RUBIN ORDER FOR DISMISSAL
OF SPECIFIC CLAIMS AND PARTIES**

Dunn Southeast, Inc. d/b/a R.J. Griffin &)
Company; Nichols Brosch Wurst Wolfe &)
Associates, Inc; Newcomb & Boyd; and)
Sto Corp.,)
)
Defendants.)

AND)

Dunn Southeast, Inc. d/b/a R.J. Griffin &)
Company,)
)
Third Party Plaintiff,)

-vs-

Cayce Company, Inc.; Great American)
Insurance Company; BCI, Inc.; Cartner)
Glass of Myrtle Beach, Inc.; Atlantic)
Mutual Insurance Company; Glasstec, Inc.;)
Western Surety Company; Paradigm)
Enterprises, Inc.; and Gulf Insurance)
Company,)
)
Third Party Defendants.)

The Court grants Plaintiff Vista Del Mar Condominiums, LLC (“Plaintiff”) and Third-Party Plaintiff Dunn Southeast, Inc. d/b/a R.J. Griffin & Company’s (“R. J. Griffin”) Motion for Rubin Order For Dismissal of Specific Claims and Parties [Doc. 185].

IT IS ORDERED that the following claims are hereby dismissed without costs and without

prejudice:

1. All of Plaintiff's claims against R. J. Griffin and Sto Corp.;
2. All of R. J. Griffin's claims against BCI, Inc., Paradigm Enterprises, Inc. and Gulf Insurance Company; and
3. All of Plaintiff's claims based on or in any way related to the "Waterproofing Issues," as described in Paragraphs 18-22 of Plaintiff's Amended Complaint against Nichols Brosch Wurst Wolfe & Associates, Inc.

If settlement is not consummated within sixty (60) days, either party may petition the Court to reinstate these claims and restore them to the calendar. Fed. R. Civ. P. 60(b)(6). In the alternative, to the extent permitted by law, either party may within sixty (60) days petition the Court to enforce the settlement. *Fairfax Countywide Citizens v. Fairfax County*, 571 F.2d 1299 (4th Cir. 1978). By agreement of the parties, the court retains jurisdiction to enforce the settlement agreement. *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 381-82 (1994). The dismissal hereunder shall be with prejudice if no action is taken under either alternative within sixty (60) days from the filing date of this order.

This order applies only to the above-referenced claims and parties. Plaintiffs' claims against Nichols Brosch Wurst Wolfe & Associates, Inc. and Newcomb & Boyd related to the "Mold Issues" as described in Paragraph 12-17 of Plaintiffs' Amended Complaint are not dismissed or affected by this order.

IT IS SO ORDERED.



United States District Judge

January 30, 2012
Greenville, South Carolina