

RECEIVED

Dec 08 2022

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Hon. Bentley D. Price, Circuit Court Judge

---

APPELLATE CASE NO. 2022-000469  
Case No. 2019-CP-07-02629

Margaret A. Eberly and Barbara J. Pavelik,  
Plaintiffs

v.

Advanced Flooring & Design Division of ISI, LLC; Archer Exteriors, Inc.; Crossroads Enterprises, LLC; D.R. Horton, Inc.; East Coast Construction Cleanup Corp.; Hutton's Landscapes, Inc.; Lather Construction SC, Inc.; Lather Construction, Inc.; Professional Drywall & Paint Services, LLC; Professional Exteriors II, LLC; and Valim Construction, LLC.,

Defendants of which D. R. Horton, Inc. is Appellant,

And

D. R. Horton, Inc.,

Cross-claimant and Appellant,

v.

Hutton's Landscapes, Inc.; Lather Construction SC, Inc.; Lather Construction, Inc.,  
Cross-defendants and Respondents

---

**PROOF OF SERVICE**

---

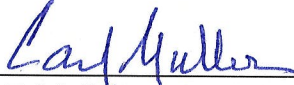
I certify that I have served Appellant's Petition for a Writ of Certiorari upon all counsel of record as follows:

By depositing a copy of it via Electronic Mail and in the U.S. Mail, postage prepaid, on December 20, 2022, addressed to:

Emily Gifford Lucey, (S.C. Bar# 72785)  
Megan C. White, (S.C. Bar#101895)  
Richardson Plowden & Robinson, PA  
235 Magrath Darby Blvd., Ste. 100  
Mt. Pleasant, SC 29464  
843-805-6550 Phone  
843-805-6599 FAX  
[egiffordlucey@richardsonplowden.com](mailto:egiffordlucey@richardsonplowden.com)  
[MWhite@richardsonplowden.com](mailto:MWhite@richardsonplowden.com)  
Attorney for Respondent Hutton's  
Landscapes, Inc.

Jeffery A. Ross, (S.C. Bar No. 74254)  
Philip P. Cristaldi, (S.C. Bar No.102219)  
Scott H. Winograd, (SC. Bar No. 103483)  
Ross & Cristaldi, LLC  
863 Coleman Blvd., Suite B  
Mt. Pleasant, South Carolina 29464  
843-329-4040  
[jross@rclawsc.com](mailto:jross@rclawsc.com)  
[pcristaldi@rclawsc.com](mailto:pcristaldi@rclawsc.com)  
[swinograd@rclawsc.com](mailto:swinograd@rclawsc.com)  
Attorneys for Respondent Lather  
Construction, Inc., and  
Lather Construction SC, Inc.

A copy of the sent email will be filed with this Proof of Service.

  
\_\_\_\_\_  
s/Carl F. Muller, Esq., SC Bar No. 4131  
Carl F. Muller, Attorney at Law, P.A.  
607 Pendleton Street, Suite 201  
Greenville, SC 29601  
864-991-8905  
[carl@carlmullerlaw.com](mailto:carl@carlmullerlaw.com)  
Attorney for Petitioners



Kay Kelly &lt;kay@carlmullerlaw.com&gt;

---

**PETITION FOR WRIT OF CERTIORARI /APPELLATE CASE NO. 2022-000469 Case No. 2019-CP-07-02629**

1 message

**Kay Kelly** <kay@carlmullerlaw.com>

Thu, Dec 8, 2022 at 2:57 PM

To: egiffordlucey@richardsonplowden.com, "mwhite@richardsonplowden.com" <MWhite@richardsonplowden.com>, jross@rclawsc.com, pcristaldi@rclawsc.com, Scott Winograd <swinograd@rclawsc.com>  
Cc: imhoff@conlaw.com, John Crawford <crawford@conlaw.com>, dudley@conlaw.com  
Bcc: Carl Muller <carl@carlmullerlaw.com>

Dear Counsel,

Please find attached the Petition For Writ Of Certiorari and Proof of Service being filed with the Court of Appeals and the Supreme Court of South Carolina today via electronic service and by the United States 1st class mail on Monday, December 12, 2022, in the above case.

Please let me know if you need anything further or have any questions.

Thank you,  
Kay Kelly

--

**D. Kay Kelly**[kay@carlmullerlaw.com](mailto:kay@carlmullerlaw.com)

864.991.8904

864.751.2831 fax

607 Pendleton Street Suite 201

Greenville, SC 29601

---

 **Petition For Writ Of Certiorari.pdf**  
2031K