

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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AUG 26 2013

APPEAL FROM BEAUFORT COUNTY  
In the Court of Common Pleas  
J. Michael Baxley, Circuit Court Judge

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**S.C. Supreme Court**

Case No. 2007-CP-07-1396  
Supreme Court Appellate Case No. 2013-000233

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Anthony and Barbara Grazia, individually and on behalf of all other similarly situated  
Plaintiffs, ..... Respondents,

v.

South Carolina State Plastering, LLC, ..... Petitioner.

South Carolina State Plastering, LLC, ..... Petitioner,

v.

Del Webb Communities, Inc., Pulte Homes, Inc., and Kephart Architects,  
Inc., ..... Third-Party Defendants.

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REPLY TO RETURN TO  
PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS  
or in the alternative,  
PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF COMMON PLEAS

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(Filing separate Petition for Certiorari under Joint Appendix)

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Rather than address the merits of the Petition in their Return, Respondents merely launch an *ad hominem* attack on Petitioner's counsel. Preserving the due process and substantive rights of clients is an ethical obligation, even if inconvenient to the expectations of opposing counsel. Undersigned counsel expressly denies these baseless accusations.

### REPLY ARGUMENTS

South Carolina State Plastering joins in, adopts, and incorporates all of the arguments made in Del Webb Communities, Inc. and Pulte Homes, Inc. in their Reply to Return to Petition for a Writ of Certiorari to the Court of Appeals or in the Alternative, Petition for a Writ of Certiorari to the Court of Common Pleas in the related appeal arising out the same orders in which Del Webb Communities, Inc. and Pulte Homes, Inc. have also filed a Petition for Writ of Certiorari.<sup>1</sup>

In addition, as emphasized in South Carolina State Plastering's certiorari petition, the Right to Cure process created by the trial court denies South Carolina State Plastering its statutory and due process rights. As argued in the certiorari petition, the orders deprive South Carolina State Plastering of the ability to meaningfully exercise its rights under the South Carolina Notice and Opportunity to Cure Residential Defect statute, S.C. Code Ann. §§ 40-59-810 *et seq.*, by impermissibly modifying the statutory requirements and creating attorney-client relationships that undermine the legislative intent. In addition, the orders create a *de facto* "opt-in" class, which immediately violates the due process rights of the absent class members and threatens to abrogate South Carolina State Plastering's due process right to a final judgment with *res judicata* protections. The Plaintiffs do not dispute these arguments and raise no arguments in opposition.

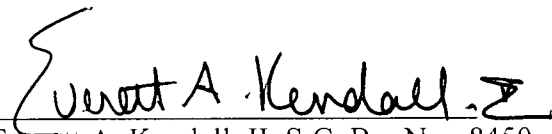
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<sup>1</sup> Supreme Court Appellate Case No. 2013-000238.

## CONCLUSION

For all of the foregoing reasons, and for the reasons set forth in the certiorari reply filed by Del Webb and Pulte, as well as the reasons set forth in all certiorari petitions in these matters, it is respectfully submitted that this Court should grant certiorari relief as requested in the certiorari petitions.

Respectfully Submitted,



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August 26, 2013  
Columbia, SC

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South Carolina State Plastering, LLC,.....Third-Party Plaintiff,

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Del Webb Communities, Inc., Pulte Homes, Inc., and Kephart Architects,  
Inc.,.....Third-Party Defendants.

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**PROOF OF SERVICE**

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I certify that I have served the Reply to Respondents' Return to Petition for Writ of Certiorari by depositing a copy of it in the United States Mail, postage prepaid, on August 26, 2013, addressed to their attorneys of record and all counsel of record, listed as follows:

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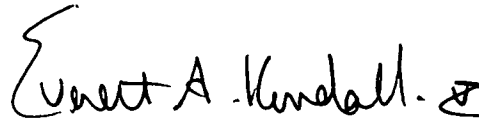
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August 26, 2013



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