

# EXHIBIT N

**McWilliams, Susan P.**

---

**From:** Hayes, J. Mark <mhayesj@sccourts.org>  
**Sent:** Friday, August 31, 2012 3:04 PM  
**To:** Wall, Susan; Jowers, Beth; 'Stair, Kent T.' (kstair@carlockcopeland.com); Jennifer Clark (JClark@pendarvislaw.com); Sam Phillips (sPhillips@FinkelLaw.com); Gregg Alford (gregg@awc-lawfirm.com); Leonardi, Daniel C.; jjones@barnwell-whaley.com; Jim Bruner; M. Dawes Cooke; wpowell@brunerpowell.com; 'rob.fields@sasserfields.com' (rob.fields@sasserfields.com); McWilliams, Susan P.; jonastrialatty@netscape.net ('jonastrialatty@netscape.net')  
**Cc:** Thomas A. Pendarvis; I. Gregory Hodges, J.D.; Bill Hunter; Timothy D. Roberts, J.D.; Hayes, J. Mark Law Clerk (Joel Kozak)  
**Subject:** Treon et al. v. Dryvit et al. 2002-CP-07-1377

The court requests that Mr. Phillips prepare an order denying the motions to dismiss/quash the Rule to Show Cause for lack of personal jurisdiction and subject matter jurisdiction filed by former class counsel and former class representatives.

As to Judge Dukes orders related to disqualification of counsel, the Court does not read his orders as extending to disqualification of class counsel doing work in 1377. Nevertheless, in the order direct that work related to former class representatives be handle by Mr. Phillips and/or lawyers who were not lawyers associated with the collateral professional malpractice suit.

The order should also reflect that the existence of the collateral lawsuit for professional negligence against former class counsel and breach of fiduciary duties against former class representatives do not prevent this Court for carrying out is Rule 23 obligations in 1377.

The order should also reflect the Court's denial of the 12(b)(6) and 12(b)(7) motion. The standard of review applied by the court is not the summary judgment standard.

Similarly, the same standard of review to the 12(b) motions, the statute of limitations argument for dismissal is denied.

The court desires to have another phone conference about scheduling. Would day next week be convenient?

