

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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AUG 29 2013

**S.C. Supreme Court**

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

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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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RETURN TO MOTION TO LIFT STAY

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## ARGUMENT

South Carolina State Plastering joins in, adopts, and incorporates all of the arguments made by Del Webb Communities, Inc. and Pulte Homes, Inc. in their Return to Motion to Lift Stay.<sup>1</sup> South Carolina State Plastering also incorporates all of Del Webb Communities, Inc. and Pulte Homes, Inc.'s exhibits and joins in, adopts, and incorporates all of the arguments made by 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. Petitioner also incorporates herein the earlier filed certiorari replies, and also incorporates the arguments made in the certiorari petitions on both cases.

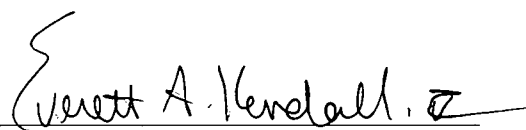
## CONCLUSION

The certiorari petitions, returns, and replies have been filed with this Court. Moving forward in this case during the pendency of the certiorari proceedings would endanger this Court's ability to grant meaningful relief if certiorari is granted. *See* Rule 241(c)(2), SCACR (imposing a stay is proper when necessary to preserve the jurisdiction of the court or to prevent contested issues from becoming moot). For this reason, and for the reasons set forth by Del Webb Communities, Inc. and Pulte Homes, Inc., it is respectfully submitted that the motion to lift stay should be denied.

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<sup>1</sup>Supreme Court Appellate Case No. 2013-000238. The Respondents' Motion to Lift Stay was captioned for both Supreme Court Appellate Case No. 2013-000238 and Supreme Court Appellate Case No. 2013-000233.

Respectfully Submitted,

A handwritten signature in black ink that reads "Everett A. Kendall, II". The signature is written in a cursive style with a horizontal line underneath it.

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August 29, 2013  
Columbia, SC

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Plaintiffs, .....Respondents,

v.

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

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

v.

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 Return to Motion to Lift Stay by depositing a copy of it in the United States Mail, postage prepaid, on August 29, 2013, addressed to their attorneys of record and all counsel of record, listed as follows:

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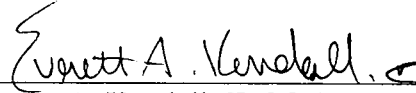
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August 29, 2013



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