

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Case No.: 2002-CP-07-1377
Appellate Case No.: 2013-001367

Ex Parte: William Dixon Robertson III;
William M. Bowen; W. Jefferson Leath, Jr.;
Michael S. Seekings; and Timothy W. Bouch.....Appellants

Timothy J. Treon and his wife, Frances Treon; P. Jennings Scearce;
And Steven Christian individually and on behalf of other similarly
situated in the State of South CarolinaRespondents

v.

Dryvit Systems, Inc.....Defendant

DESIGNATION OF MATTER TO
BE INCLUDED IN THE RECORD ON APPEAL

Respondent proposes the following be included in the Record on Appeal:

1. Subpoenas to William Bowen, John & Sally Cardamone, & Timothy Bouch, Nov. 22, 2006
2. Motion for an Accounting Jan. 15, 2010
3. Motion for Issuance of an Order Requiring Former Class Counsel to Appear, March 18, 2010
4. Rule to Show Cause & Order for Accounting, June 5, 2012
5. Amended Class Action Complaint, Case No. 2002-CP-07-1377
6. Posey Legal Notice
7. Posey Settlement
8. Opt-Out Notices filed by Appellants
9. Order dated *nun pro tunc* August 30, 2002
10. Motion for Permission to Appear *Pro Hace Vice*

11. Transcript of First Posey Fairness Hearing, Oct. 1, 2002 at pp. 2, 70, 115-16
12. Affidavit of Allison DeLoache, February 4, 2009
13. Transcript of First Posey Fairness Hearing, Oct. 1, 2002 at p.125, lines 9-18
14. Transcript of First Posey Fairness Hearing, Oct. 1, 2002 at p.137, line 19 to p.138, line 21
15. Transcript of First Posey Fairness Hearing, Oct. 1, 2002 at p.140, lines 4-8
16. Affidavit of W. Jefferson Leath, Jr. filed August 27, 2002
17. Memorandum in Support of Plaintiff's Motions for an Injunction, Aug. 27, 2002 at pp. 1-6
18. Transcript of Second Posey Fairness Hearing, Dec. 18, 2002 at p.73, lines 8-13
19. Defendant's Motion to Dismiss Sept. 22, 2005
20. Order filed January 18, 2006
21. Dryvit Doc. #0970
22. Dryvit Doc. #0496
23. Dryvit Doc. #0379
24. Dryvit Doc. #0244
25. Dryvit Doc. #0263
26. Letter from Dryvit Counsel Charles Baker to Appellant Mike Seekings, Feb. 5, 2003
27. Posey Benefit Matrix for South Carolina, Dryvit Doc.s #06742-753
28. Checks dated Nov. 15, 2005, June 18, 2006 and September 18, 2006
29. Order Granting Final Approval to the Treon Settlement, June 10, 2010
30. Motion to Enforce Treon Settlement, Aug. 26, 2010
31. RTSC Order, June 5, 2012 at p.1
32. App. Bf. at p.4
33. App. Bf. at p.6
34. Affidavit of Tom Carlson
35. Transcript of Second Posey Fairness Hearing, Dec. 18, 2002 at p.39, lines 8-13
36. Transcript of Second Posey Fairness Hearing, Dec. 18, 2002 at p.26, lines 9-13
37. Transcript of Second Posey Fairness Hearing, Dec. 18, 2002 at p.3, line 6 to p.73, line 21
38. Transcript of Second Posey Fairness Hearing, Dec. 18, 2002 at p.73, lines 7-21
39. Transcript of Second Posey Fairness Hearing, Dec. 18, 2002 at p.72, line 6 to p.73, line 21
40. Order Decertifying the Tucker Matters
41. Initial Brief of Appellants, p. 19
42. Order Dismissing Appellants
43. Final Treon Settlement Order
44. Dryvit Doc. #0293
45. Card 00128-129

Pursuant to Rule 209©, SCACR, the undersigned certifies that this designation contains no matter which is irrelevant to the appeal.

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Ex parte: William Dixon Robertson, III, William M. Bowen, W.
Jefferson Leath, Jr., Michael S. Seekings, and Timothy W. Bouch,.....Appellants.

Timothy J. Treon and his wife, Jane Treon, and P. Jennings Scarce
and Steven Christian individually, and on behalf of other similarly
situated in the State of South Carolina,.....Respondents,

v.

Dryvit Systems, Inc.,Defendant.

PROOF OF SERVICE

I certify that this 17th day of February, 2014, I have served the foregoing Respondents'

Designation of Matter to be Included in Record on Appeal via U.S. Mail, first class

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