

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

---

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, Jane Treon, and P. Jennings Searce  
and Steven Christian individually, and on behalf of other similarly  
situated in the State of South Carolina,.....Respondents,

vs.

Dryvit Systems, Inc., ..... Defendant.

---

**APPELLANTS' SUPPLEMENTAL DESIGNATION OF  
MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

---

The Appellants propose the following be included in the Record on Appeal, in addition to those items already designated:

1. Transcript of Motion to Intervene, December 5, 2005, p. 1-19; 30-42; 62
2. Transcript of Motion for Summary Judgment, July 6, 2007, p. 1-4; 33-42; 197
3. Transcript of Second *Posey* Fairness Hearing, December 18, 2002, p. 1-2 (p. 3-70 designated by Respondents); p. 71; (p. 72-73 designated by Respondents); p. 74-76; 81
4. April 15, 2009 Affidavit of Dixon Robertson
5. Sept. 15, 2003 letter to Richard Gleissner


**RECEIVED**

APR 02 2014

**SC Court of Appeals**

6. Transcript of First *Posey* Fairness Hearing, October 1, 2002, p. 1-3; 113-48; 160-68; 211-220
7. Transcript of Motion to Intervene Hearing, February 26, 2003, p. 1-10; 23-24; 33
8. Transcript of Hearing on Motions to Dismiss Rule to Show Cause, July 18-19, 2012, p. 1-3; 50-55; 87; 115-140; 148-49; 172-199; 208-233; 288-292; 299
9. Order Granting Motion for Limited relief and Lifting Stay, March 29, 2013
10. Consent Order Relieving Certain of Plaintiffs' Counsel, January 18, 2006
11. Transcript of Hearing on Motion for Accounting, March 31, 2010, p. 1-8; 46-56; 79-91; 112-117; 140-143; 147-149; 156
12. Transcript of Hearing on Motion for Class Certification, July 21-22, 2011, p. 1-2; 24-54; 82-84; 92-93; 109-113; 123-188; 226-240
13. Transcript of Hearing on Attorney's Fees, January 26-27, p. 1; 412-460; 497-503; 534.

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



Tanya A. Gee S.C. Bar No. 70191

[tgee@nexsenpruet.com](mailto:tgee@nexsenpruet.com)

Susan P. McWilliams S.C. Bar No. 3918

[smcwilliams@nexsenpruet.com](mailto:smcwilliams@nexsenpruet.com)

Kirsten E. Small SC Bar No. 75681

[ksmall@nexsenpruet.com](mailto:ksmall@nexsenpruet.com)

NEXSEN PRUET, LLC

Post Office Drawer 2426

Columbia, SC 29202

Tel: 803-771-8900

Attorneys for Appellant William Dixon  
Robertson III

James L. Bruner S.C. Bar No. 969

[jbruner@brunerpowell.com](mailto:jbruner@brunerpowell.com)

BRUNER POWELL WALL & MULLINS, LLC

Post Office Box 61110

Columbia, SC 29260

Tel: 803-252-7673

Attorney for William M. Bowen

Kent T. Stair S.C. Bar No. 14029

[kstair@carlockcopeland.com](mailto:kstair@carlockcopeland.com)

CARLOCK COPELAND & STAIR, LLP

40 Calhoun Street, Suite 400

Charleston, SC 29401

Tel: 843-727-0307

Kenneth C. Anthony, Jr.

[kanthony@anthonylaw.com](mailto:kanthony@anthonylaw.com)

THE ANTHONY LAW FIRM, PA

250 Magnolia Street

Spartanburg, SC 29304

Tel: 864-582-2355

Attorneys for Jefferson Leath, Jr.,  
Michael S. Seekings, and Timothy W.  
Bouch

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

---

Case No. 2002-CP-07-1377

---

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 Searce  
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 2<sup>nd</sup> day of April, 2014, I have served the foregoing Appellants'  
Supplemental Designation of Matter to be Included in Record on Appeal via U.S. Mail,  
first class postage prepaid, on the following counsel:

M. Dawes Cooke, Jr., Esquire  
John A. Jones, Esquire  
BARNWELL WHALEY PATTERSON & HELMS  
Post Office Drawer H  
Charleston, SC 29402

Gregory M. Alford, Esquire  
Thomas E. Williams, Esquire  
ALFORD, WILKINS & COLTRANE, LLC  
P.O. Drawer 8008  
Hilton Head, SC 29938-8008

**RECEIVED**

APR 02 2014

**SC Court of Appeals**

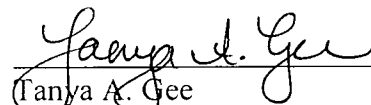
Robert B. Phillips, Esquire  
FINKEL LAW FIRM, LLC  
P.O. Box 1799  
Columbia, SC 29202

Thomas J. Finn, Esquire  
FINN LAW FIRM  
P.O. Box 6003  
Hilton Head, SC 29938

Rob Fields, Esquire  
SASSER FIELDS, LLP  
2300 Rexwood Drive, Suite 320  
Raleigh, NC 27607

Catherine R. Atwood, Esquire  
WOMBLE CARLYLE SANDRIDGE & RICE  
P.O. Box 10208  
Greenville, SC 29603-0208

Samuel W. Outten, Esquire  
Nelson Mullins Riley & Scarborough  
Pointsett Plaza, Suite 900  
104 South Main Street  
Greenville, SC 29601

  
Tanya A. Gee  
[tgee@nexsenpruet.com](mailto:tgee@nexsenpruet.com)  
NEXSEN PRUET, LLC  
Post Office Drawer 2426  
Columbia, SC 29202  
Tel: 803-771-8900

Attorneys for Appellant William Dixon  
Robertson III

Tanya A. Gee  
Special Counsel

April 2, 2014

**HAND DELIVERED**

The Honorable Jenny Abbott Kitchings  
Clerk, SC Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

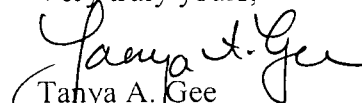
Re: *Ex parte: William Dixon Robertson III, et al., Appellants and Timothy J. Treon, et al., Plaintiffs/Respondents v. Dryvit Systems, Inc., Defendant;*  
Beaufort County Case # 2002-CP-07-1377 / Appellate Case # 2013-001367

Dear Ms. Kitchings:

Enclosed herewith for filing in the above-referenced matter are the originals and one copy each of Appellants' Initial Reply Brief and Supplemental Designation of Matter to be Included in the Record on Appeal. Please return received-stamped copies to me via our courier. Also enclosed are the proofs of service reflecting that counsel of record have been served with copies of the same.

- Charleston
- Charlotte
- Columbia**
- Greensboro
- Greenville
- Hilton Head
- Myrtle Beach
- Raleigh

Very truly yours,



Tanya A. Gee  
Special Counsel

TAG/cwh  
Enclosures

cc (w/encl.):

- M. Dawes Cooke, Jr., Esquire
- John A. Jones, Esquire
- Gregory M. Alford, Esquire
- Robert B. Phillips, Esquire
- Thomas J. Finn, Esquire
- Thomas E. Williams, Esquire

- Rob Fields, Esquire
- Samuel W. Outten, Esquire
- James L. Bruner, Esquire
- Kent T. Stair, Esquire
- Kenneth C. Anthony, Jr., Esquire
- Catherine R. Atwood, Esquire

1230 Main Street  
Suite 700 (29201)  
PO Drawer 2426  
Columbia, SC 29202  
www.nexsenpruet.com

T 803.540.2176  
F 803.727.1453  
E TGee@nexsenpruet.com  
Nexsen Pruet, LLC  
**Attorneys and Counselors at Law**

**RECEIVED**

APR 02 2014

**SC Court of Appeals**