

**YCR LAW**  
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November 12, 2014

**VIA U.S. MAIL**

The Honorable Jenny Abbott Kitchings, Clerk  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**

NOV 14 2014

**S.C. SUPREME COURT**

Re: Lancaster, Jim v. Georgia-Pacific (1)  
Appellate Case No. 2012-210927

Lancaster, Jim v. Georgia-Pacific (2)  
Appellate Case No. 2012-211920

Jim Lancaster v. Georgia-Pacific (Del Webb)  
Appellate Case No. 2013-000159

YCR File No. 13376-20070735

Dear Ms. Kitchings:

All of the above-referenced Appellate Case Numbers arise out of the underlying case of Lancaster et al. v. Georgia-Pacific et al., which is identified as Beaufort County Case No. 2007-CP-07-3166 (the "Underlying Case"). The Underlying Case is now settled and concluded with finality. (See Correspondence from Robert L. Widener, Esquire, dated September 4, 2014, advising that the settlement of the Underlying Case is final and complete, which is attached hereto as **Exhibit A** for the Court's convenience.)

According to C-Track, however, of these appellate matters, only Appellate Case No. **2013-000159** (Jim Lancaster v. Georgia-Pacific (Del Webb)) is shown to be remitted. The status of the other matters, i.e., Lancaster, Jim v. Georgia-Pacific (1 and 2), which were consolidated under the Appellate Case Number for (1), i.e., **2012-210927**, is shown as "Petition for Certiorari Pending." This letter is to advise that no petition for a writ of certiorari remains pending, and that these matters too should be remitted.

For convenience, a copy of this Court's Order filed June 1, 2012, consolidating and dismissing Appellate Case Numbers **2012-210927** and **2012-211920** is attached hereto as **Exhibit B**. It was following this Order (and the Court's subsequent denial of rehearing related thereto by Order filed January 15, 2013) that discretionary review was sought from our Supreme Court via petition for a writ of certiorari. (See Correspondence from the Supreme Court dated March 26, 2013, advising of assignment of its own Appellate Case Number (specifically, 2013-

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The Honorable Jenny Abbott Kitchings, Clerk  
South Carolina Court of Appeals  
November 12, 2014  
Page 2 of 2

000175), which is attached hereto as **Exhibit C** for the Court's convenience.) Based on the settlement of the Underlying Case, the Supreme Court has now dismissed this matter. (See Supreme Court Order filed September 11, 2014, which is attached hereto as **Exhibit D** for the Court's convenience.)

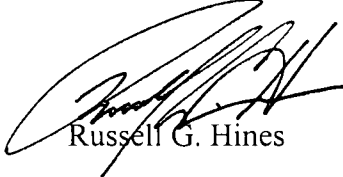
Prior to sending this letter, I consulted with counsel for the respective Appellants in all of the Appellate Case Numbers above-referenced (specifically, C. Mitchell Brown, Esquire, counsel for Georgia-Pacific, and Robert L. Widener, Esquire, counsel for Del Webb, both of whom are copied on this correspondence), and I can represent to the Court that all counsel are in agreement that all of the these appellate matters (i.e., Appellate Case Numbers **2013-000159** (which has already been remitted), **2012-210927**, and **2012-211920**) are concluded and should be remitted.

Thank you very much for your attention to this matter. Of course, if you have any questions or concerns, please just let me know.

With kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP



Russell G. Hines

RGH/

Enclosure

ce: Robert L. Widener, Esquire  
A. Victor Rawl, Jr., Esquire  
Sterling G. Davies, Esquire  
C. Mitchell Brown, Esquire  
G. Mark Phillips, Esquire  
A. Mattison Bogan, Esquire  
Ryan A. Earhart, Esquire  
Karl S. Brehmer, Esquire  
L. Darby Plexico, III, Esquire  
Arthur T. Meeder, Esquire  
James H. Elliott, Jr., Esquire  
Arthur Cole Pelzer, Esquire

received  
9/8/14  
07-0755

MCNAIR  
ATTORNEYS

September 4, 2014

Robert L. Widener  
SC Bar No. 6089

The Honorable Daniel E. Shearouse  
Clerk of Court  
South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

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F. 803.753.2278

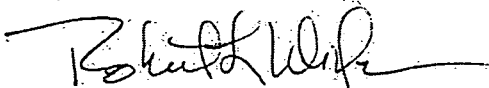
Re: Jim Lancaster, et al. v. Georgia Pacific Corporation, et al.  
Case No. 2007-CP-07-03166  
Supreme Court Case No. 2013-000175  
Court of Appeals Case No. 2013-000159

Dear Mr. Shearouse:

This letter will update this Court on the status of the settlement of the above-referenced matter. The settlement is final and complete. This appeal can be dismissed.

Respectfully yours,

McNAIR LAW FIRM, P.A.



Robert L. Widener

RLW/as

cc: A. Mattison Bogan, Esq.  
Arthur Thomas Meeder, Esq.  
Joseph DaPore, Esq.  
Edward D. Buckley, Esq. ✓  
Russell G. Hines, Esq.  
Karl S. Brehmer, Esq.  
L. Darby Plexico, Esq.  
James H. Elliott, Jr., Esq.  
Sterling G. Davies, Esq.  
Arthur Pelzer, Esq.  
Honorable Jenny Abbott Kitchings

RECEIVED

NOV 14 2014

S.C. SUPREME COURT

McNAIR LAW FIRM, P.A.  
1221 Main Street  
Suite 1600  
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Columbia, SC 29211

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COLUMBIA 1178063v1

# The South Carolina Court of Appeals

Jim Lancaster, Nancy Lancaster, Art Holland, Jeannetter Holland, Wendell Turner, Phyllis Turner, Jack Turner, Jack Bennett, Joan Bennett, on behalf of themselves and other similarly situated, Respondents,

v.

Georgia-Pacific Corporation and/or Georgia Pacific LLC, Grayco Home Center Inc., Del Webb Communities, Inc., and Arizona Corporation, Razor component Systems, Inc., a South Carolina Corporation, Razor Enterprises, Inc., a Texas Corporation and DJ Construction Co., LLC, Defendants,

Of Whom, Del Webb Communities, Inc. an Arizona Corporation is, Appellant.

Appellate Case No. 2012-210927

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## ORDER

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This appeal shall be consolidated with 2012-211920 and with the Notices of Appeal filed May 31, 2012, relating to "Order Regarding Interlocutory Appeals" and the order denying reconsideration of that order.

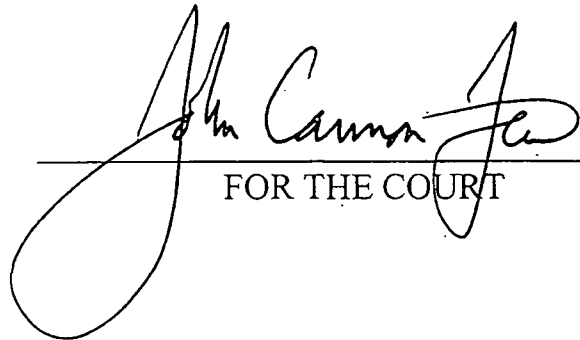
Appellant in 2012-210927 has appealed six orders, including the order denying a motion to stay the action pending compliance with section 40-59-810 of the South Carolina Code, the preliminary case management and scheduling order, the order approving notice of class action, the order denying a motion to conduct discovery as to individual class members, the order granting class certification, and the order denying a motion to reconsider the order granting class certification.

Exhibit B

Appellant in 2012-211920 has appealed six orders, including the order denying a motion to stay the action pending compliance with section 40-59-810 of the South Carolina Code, the preliminary case management and scheduling order, the order approving a notice of class action, the order granting class certification, the order denying a motion to strike affidavits filed in support of the motion for class certification, and the order denying a motion to reconsider the orders granting class certification and denying the motion to strike.

Respondents, who are the same in both appeals, have filed a motion to dismiss, contending the underlying orders on appeal are not immediately appealable. After careful consideration, Respondents' motion to dismiss is granted. This consolidated appeal is dismissed because none of the underlying orders are immediately appealable. Additionally, the appeals from the "Order Regarding Interlocutory Appeals" and the order denying reconsideration are dismissed as moot.

Because the underlying orders have all been dismissed, this Court need not act on Appellant's petition for supersedeas.

  
FOR THE COURT

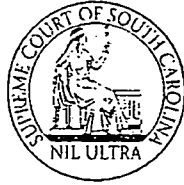
Columbia, South Carolina

cc:  
Arthur Thomas Meeder  
Edward D. Buckley, Jr.  
Robert L. Widener  
Joseph Edwin DaPore  
A. Victor Rawl, Jr.  
Stephen Lynwood Brown  
Russell Grainger Hines  
William L. Howard, Sr.

**FILED**

Carter 6/1/12

Exhibit B



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA  
29211  
1231 GERVAIS STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1080  
FAX: (803) 734-1499  
[www.sccourts.org](http://www.sccourts.org)

March 26, 2013

Allen Mattison Bogan, Esquire  
1320 Main Street  
Meridian/17th Floor  
Columbia SC 29201

**RECEIVED**  
MAR 27 2013

**SC Court of Appeals**

Re: Jim Lancaster v. Georgia-Pacific (1)  
Appellate Case No. 2013-000175

Dear Counsel:

This Court has received your Petition for Writ of Certiorari and Appendix, and the case has been assigned the appellate case number that appears above. **Please use this number on all future correspondence relating to this matter.**

All parties to this matter are advised that all filings must comply with the requirements of Rule 242 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at [www.sccourts.org/courtreg](http://www.sccourts.org/courtreg). Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at [www.sccourts.org/courtOrders/HTMLFiles/2007-08-13-02.htm](http://www.sccourts.org/courtOrders/HTMLFiles/2007-08-13-02.htm). Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. **This office**

**Exhibit C**

will *not* review filings for redaction or to determine if materials should be sealed.

Very truly yours,

*Daniel L. Shearson*  
SS

CLERK

cc:

Robert L. Widener, Esquire  
A. Victor Rawl, Jr., Esquire  
Sterling Graydon Davies, Esquire  
C. Mitchell Brown, Esquire  
G. Mark Phillips, Esquire  
Ryan A. Earhart, Esquire  
Karl Stephen Brehmer, Esquire  
L. Darby Plexico, III, Esquire  
Edward D. Buckley, Jr., Esquire  
Joseph Edwin Dapore, Esquire  
Stephen Lynwood Brown, Esquire  
Russell Grainger Hines, Esquire  
Arthur Thomas Meeder, Esquire  
James H. Elliott, Jr., Esquire  
Arthur Cole Pelzer, Esquire  
The Honorable Jenny Abbott Kitchings

Exhibit C

received

9/15/14

07-0735

# The Supreme Court of South Carolina

Jim Lancaster, Nancy Lancaster, Art Holland, Jeannette Holland, Wendell Turner, Phyllis Turner, Jack Turner, Jack Bennett, Joan Bennett, on behalf of themselves and other similarly situated, Respondents,

v.

Georgia-Pacific Corporation and/or Georgia Pacific LLC, Grayco Home Center Inc., Del Webb Communities, Inc., and Arizona Corporation, Razor component Systems, Inc., a South Carolina Corporation, Razor Enterprises, Inc., a Texas Corporation and DJ Construction Co., LLC, Defendants,

Of Which Georgia-Pacific Corporation and/or Georgia Pacific LLC and Del Webb Communities, Inc. and Arizona Corporation are the Petitioners.

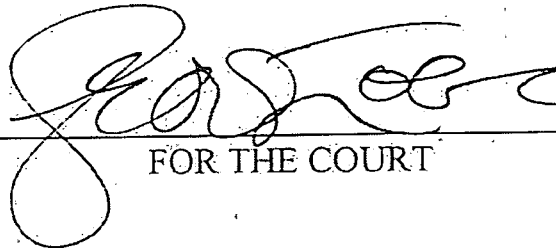
Appellate Case No. 2013-000175  
Lower Court Case No. 2007CP0703166

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## ORDER

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Based on the settlement of this case, the matter pending before this Court is hereby dismissed.



C.J.

FOR THE COURT

Columbia, South Carolina  
September 11, 2014

cc: Robert L. Widener, Esquire  
A. Victor Rawl, Jr., Esquire  
Sterling Graydon Davies, Esquire

**Exhibit D**

C. Mitchell Brown, Esquire  
G. Mark Phillips, Esquire  
Allen Mattison Bogan, Esquire  
Ryan A. Earhart, Esquire  
Karl Stephen Brehmer, Esquire  
L. Darby Plexico, III, Esquire  
Edward D. Buckley, Jr., Esquire  
Joseph Edwin Dapore, Esquire  
Stephen Lynwood Brown, Esquire  
Russell Grainger Hines, Esquire  
Arthur Thomas Meeder, Esquire  
James H. Elliott, Jr., Esquire  
Arthur Cole Pelzer, Esquire  
The Honorable Jenny Abbott Kitchings  
The Honorable Jerri Ann Roseneau