



ROBERT B. (SAM) PHILLIPS, ESQ.
sphillips@finkellaw.com

Please Reply to Columbia

5 October 2012

Hand Delivered

The Honorable Jenny Abbot Kitchings
Clerk of the South Carolina Court of Appeals
1015 Sumter Street
Columbia, S.C. 29201

RECEIVED
OCT 05 2012
SC Court of Appeals

RE: **Respondents' Motion to Dismiss Appeal in**
Ex parte: William Dixon Robertson, III, et al., Appellants and Timothy J. Treon, et al., Respondents vs. Dryvit Systems, Inc., Defendant.
Case No. 2002-CP-07-1377

Dear Ms. Kitchings,

I am in receipt of the Appellants' Amended Notice of Appeal where Appellants amend their filing to include the trial court's order containing the decision appealed from. While the Amended Notice may pertain to certain procedural issues raised in Respondents' Motion to Dismiss the Appeal, it does not effect the Motion's central argument that Appellants' appeal is interlocutory and advances a spurious claim in order to delay the trial court from conducting an inquiry of appellants' conduct while serving as class counsel in the underlying action. Counsel for Respondents therefore request their Motion to Dismiss be heard by the Court of Appeals.

Additionally, Respondents would ask the Court of Appeals to be aware that time is especially critical to this motion. This past summer, the trial court consulted its calender to identify terms of court that provided it with sufficient time to conduct the Rule to Show Cause proceeding that is the subject of this appeal. The trial court determined that only two dates were available to it, October 1, 2012 and December 19, 2012. The filing of the original Notice of Appeal eliminated the October date, leaving only the December term. Respondents would ask that the Court of Appeals consider rendering its decision on Respondents' motion in sufficient time to allow the trial court to proceed in December.

Sincerely,

Robert B. (Sam) Phillips

cc: Tanya A. Gee, Esq. Kent Stair, Esq.
John A. Jones, Esq. Gregory M. Alford, Esq.
Rob Fields, Esq. Susan Taylor Wall, Esq.
M. Dawes Cook, Jr., Esq.

COLUMBIA
1201 Main Street, Suite 1800
Post Office Box 1799 (29202)
Columbia, SC 29201
Tel: (803) 765-2935
Fax: (803) 252-0786

CHARLESTON
Litigation, Real Estate & REO
3955 Faber Place Drive, Suite 200
Post Office Box 41489 (29423)
North Charleston, SC 29405
Tel: (843) 577-5460
Fax: (843) 577-5135

CHARLESTON
Foreclosure
3955 Faber Place Drive, Suite 200
Post Office Box 71727 (29415)
North Charleston, SC 29405
Tel: (843) 577-5460
Fax: (843) 725-0015