

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

FEB 06 2017

SC Court of Appeals

J. Michael Baxley, Circuit Court Judge
Edgar W. Dickson, Circuit Court Judge

Case No. 2007-CP-07-1396

Anthony and Barbara Grazia, individually and
on behalf of all other similarly situated Plaintiffs,

Respondents,

v.

South Carolina State Plastering, LLC,

Appellant.

and

South Carolina State Plastering, LLC,

Appellant,

v.

Del Webb Communities, Inc., Pulte Homes, Inc.,
and Kephait Architects, Inc.,

Third-Party Defendants,

Of Whom Del Webb Communities, Inc. and
Pulte Homes, Inc., are

Respondents.

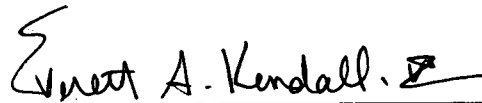
NOTICE OF APPEAL

South Carolina State Plastering, LLC appeals from certain orders, to wit:

1. The order of the Honorable J. Michael Baxley, "Order Making Preliminary Finding that Plaintiffs' Proposed Class Meets the Requirements of Rule 23(a), SCRCPP; Setting Parameters for Putative Class; Dismissing Plaintiffs' Unfair Trade Practices Claim Without Prejudice; Imposing a Stay of Proceedings; and Setting Forth Procedures for Compliance with the Right to Cure Construction Dwelling Defect Act, dated December 8, 2011 and filed December 19, 2011;

2. The order of the Honorable J. Michael Baxley, "Order Dismissing Defendants' Motions to Reconsider and Denying Defendants' Motions for Clarification of Order Preliminarily Certifying Class, dated May 1, 2012 and filed May 7, 2012;
3. The order of the Honorable J. Michael Baxley, "Order Approving Class Notice, Mailing List, and Procedures for Right to Cure Process," dated April 9, 2014, and filed April 18, 2014;
4. The order of the Honorable Edgar W. Dickson, "Order Granting South Carolina State Plastering LLC's Motion for Destructive Testing," dated January 29, 2016, and filed February 12, 2016;
5. The order of the Honorable Edgar W. Dickson, "Scheduling Order," dated May 16, 2016, and filed May 26, 2016;
6. The order of the Honorable Edgar W. Dickson, "Order (No Motions Pending)", dated September 7, 2016, and filed September 9, 2016; and
7. The order of the Honorable Edgar W. Dickson, "Order Dismissing Defendants' Motions to Reconsider Pursuant to Rule 59(e)," dated December 29, 2016 and filed January 6, 2017.

Counsel for the Appellant received the most recent (January 6, 2017) orders of Judge Dickson, on January 11, 2017.



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Of Whom Del Webb Communities, Inc. and
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Respondents.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Anthony and Barbara Grazia, individually and on behalf of all other similarly situated Plaintiffs and on Del Webb Communities, Inc., Pulte Homes, Inc., and Kephart Architects, Inc. by depositing a copy of it in the United States Mail, postage prepaid, on February 6, 2017 to all attorneys of record. The addresses for the attorneys of record are as follows:

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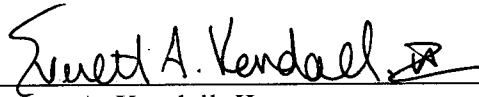
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[SIGNATURE PAGE TO FOLLOW]



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**ATTORNEYS FOR APPELLANT SOUTH
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February 6, 2017



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SWEENEY WINGATE & BARROW P.A.

SC Court of Appeals

February 6, 2017

Reply to: Main Office

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VIA HAND DELIVERY

Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29202

RE: Anthony and Barbara Grazia, individually and on behalf of all other similarly situated Plaintiffs v. South Carolina State Plastering, LLC, Del Webb Communities, Inc., Pulte Homes, Inc., and Kephart Architects, Inc.
Civil Action No.: 2007-CP-07-1396
Our File: 3826-6177

Dear Ms. Kitchings:

Enclosed for filing please find the original Notice of Appeal along one (1) copy of the same. Also enclosed is the original Proof of Service of the Notice of Appeal and one (1) copy to be file-stamped. Please return all file-stamped copies with the Courier. In addition, enclosed is the filing fee of \$125.00.

By copy hereof, all counsel of record are being served with the above.

We are also filing a copy of the Notice of Appeal and Proof of Service with the Beaufort County Clerk of Court.

PLEASE NOTE: This Appeal is appealing seven (7) Orders:

1. The order of the Honorable J. Michael Baxley, "Order Making Preliminary Finding that Plaintiffs' Proposed Class Meets the Requirements of Rule 23(a), SCRCF; Setting Parameters for Putative Class; Dismissing Plaintiffs' Unfair Trade Practices Claim Without Prejudice; Imposing a Stay of Proceedings; and Setting Forth Procedures for Compliance with the Right to Cure Construction Dwelling Defect Act, dated December 8, 2011 and filed December 19, 2011;

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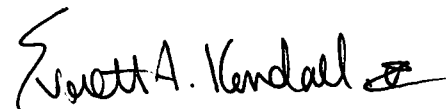
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2. The order of the Honorable J. Michael Baxley, "Order Dismissing Defendants' Motions to Reconsider and Denying Defendants' Motions for Clarification of Order Preliminarily Certifying Class, dated May 1, 2012 and filed May 7, 2012;
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Thank you for your assistance in this matter. Should you have any questions or concerns, please do you hesitate to contact me.

Very truly yours,

SWEENEY, WINGATE & BARROW, P.A.



Everett A. Kendall, II

EAK/dvy
Enclosures

February 6, 2017

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