

FORM 4

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)
)
ANTHONY and BARBARA GRAZIA,)
individually and on behalf of all other)
similarly situated plaintiffs,)

Plaintiffs,)

v.)

SOUTH CAROLINA STATE)
PLASTERING, LLC,)
)
Defendant,)

and)

SOUTH CAROLINA STATE)
PLASTERING, LLC,)
)
Third-Party Plaintiff,)

v.)

DEL WEBB COMMUNITIES, INC.,)
PULTE HOMES, INC. and)
KEPHART ARCHITECTS, INC.,)
)
Third-Party Defendants.)

IN THE COURT OF COMMON PLEAS

Case No. 2007-CP-07-1396

**ORDER DISMISSING DEFENDANTS'
MOTIONS TO RECONSIDER AND
DENYING DEFENDANTS' MOTIONS
FOR CLARIFICATION
OF ORDER PRELIMINARILY
CERTIFYING CLASS**

2012 MAY -7 PM 3:49
JERRI ANN ROSENBAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

This civil litigation involves allegations of defective construction relating to stucco application on approximately 4,000 homes located at the Sun City Development in Beaufort County, South Carolina. The case has been declared complex and assigned to this Court for disposition. On December 8, 2011, this Court issued an Order making a preliminary finding that Plaintiffs' proposed class meets the requirements of Rule 23(a), SCRPC, and this Order was filed with the Clerk of Court on December 15, 2011. Subsequently, on January 3, 2012, Defendant South Carolina State Plastering, LLC and Third-Party Defendants Del

Certified - A True Copy

Jerri Ann Rosensau - Clerk of Court
Beaufort County, SC
Melissa Kilby

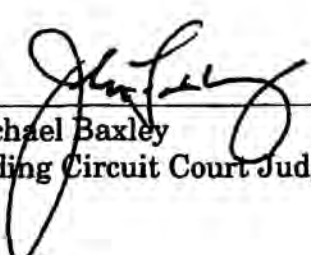
Webb Communities, Inc. and Pulte Homes, Inc. filed Motions to Reconsider and/or Motions for Clarification, pursuant to Rule 59(e), the matter that is presently before the Court. The Court heard arguments on these motions on April 30, 2012, and after hearing these arguments and reviewing the memoranda submitted by the parties, the Court dismisses the Motion to Reconsider and denies the Motion for Clarification.

The Court's Order dated December 8, 2011 was interlocutory in nature, and thus Defendants' Motions to Reconsider were improvidently filed. There is no provision in Rule 59(e), SCRPC, allowing a party to challenge an interlocutory order. Indeed, Rule 59 motions are permitted only after final, appealable adjudications on the merits. Accordingly, **the Court hereby dismisses Defendants' Motions to Reconsider as improper.**

During the April 30 hearing, Defendants were also permitted to address the various portions of the Court's Order for which they sought clarification. After carefully considering on the record each of the concerns raised by Defendants, the Court determined that the Order was clear and complete as originally issued and thus no further clarification was necessary. Therefore, **the Court hereby denies Defendants' motions for clarification.**

Accordingly, the parties have thirty (30) days from the date this Order denying clarification is served upon them to submit a proposed opt-out notice to putative class members as outlined in the initial Order.

IT IS SO ORDERED.



J. Michael Baxley
Presiding Circuit Court Judge

May 1, 2012
Hartsville, SC



State of South Carolina
The Circuit Court of the Fourth Judicial Circuit

J. MICHAEL
BAXLEY
JUDGE

531 EAST CAROLINA AVENUE
HARTSVILLE, SOUTH CAROLINA 29550
TELEPHONE: (843) 383-4114
FAX: (843) 383-4116
E-MAIL: jbxley@sccourts.org

May 3, 2012

The Honorable Jerri Ann Roseneau
Beaufort County Clerk of Court
Attention: Jamie
Post Office Box 1128
Beaufort, SC 29901

Re: Grazia, et al v. SC State Plastering, LLC, et al
Case Number: 07-CP-07-1396

Dear Jamie:

Enclosed is a Form 4 Order that has been prepared in the above matter. Please file this order and serve it on the parties. Thank you for your assistance in this matter.

Sincerely yours,

J. Michael Baxley
J. Michael Baxley

JMB/jlc
Enclosure

12 MAY - 7 PM 3:54
S.C.

