

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.)

THE COURT OF COMMON PLEAS

FOR THE FOURTEENTH CIRCUIT

Civil Action No.: 2007-CP-07-1396

ORDER GRANTING SOUTH
CAROLINA STATE PLASTERING,
LLC'S MOTION FOR DESTRUCTIVE
TESTING

FILED
NOV 12 2015
FBI

This matter is before the Court upon the Motion of the Defendant, South Carolina State Plastering, herein after "SCSP", for an order seeking to conduct destructive testing at certain houses located in Sun City in Hilton Head. This hearing was held on November 2, 2015 wherein the Court discussed the matters with the parties. Subsequently the Court has received additional briefings from the parties on this issue. Having taken all matters in to consideration, the Court hereby grants SCSP's motion. Therefore, SCSP is permitted to conduct destructive testing on 91 houses located in Sun City Hilton Head pursuant to the protocol developed by its expert, Rimkus Consulting, a copy of which was attached to the motion. SCSP may conduct destructive testing on the ⁴⁷ homes listed on Exhibit A, attached to this Order. In the event any

Certified - A True Copy

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

Grazia, et al v SCSP, et al
Case No. 2007-CP-07-1396
Order Granting South Carolina State Plastering, LLC's Motion For Destructive Testing

one of these homes is not available for destructive testing within the testing period, Plaintiffs' counsel shall notify SCSP and SCSP may substitute another randomly selected house from the class list. Plaintiffs' counsel shall make a good faith effort to work with SCSP's experts to coordinate the schedule. Testing may begin on or after ~~January~~ ^{February} 4, 2016.

IT IS SO ORDERED.



The Honorable Edgar W. Dickson

Beaufort, South Carolina
January 29, 2016

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)
)
 2016 FEB 12 11:41 AM)
)
 Anthony and Barbara Grazia, individually and on)
 behalf of all other similarly situated Plaintiffs,)
 Plaintiff)
 vs.)
)
 South Carolina State Plastering, LLC, et al,)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT JUDICIAL
 CASE NO.: 2007-CP-07-1396

**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney: Phillip W. Segui, Jr. Esquire, Bar No. 864 Lowcountry Boulevard, Ste A Mt Pleasant, SC 29464 Phone: (843) 884-1865, Fax (843) 884-0136 E-mail: psegui@seguilawfirm.com	Defendant's Attorney: Everett A. Kendall, II, Bar No. 8450 Post Office Box 12129 Columbia, SC 29211 Phone: (803) 256-2233 x7130, Fax(803) 256-9177 E-mail: eak@swblaw.com
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- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
- FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
- PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

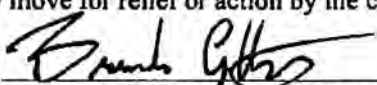
SECTION I: Hearing Information

Nature of Motion: _____
 Estimated Time Needed: _____ Court Reporter Needed: YES/ NO

SECTION II: Motion/Order Type

Written motion attached
 Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.


 Signature of Attorney for Plaintiff / Defendant

February 9, 2016
 Date submitted

SECTION III: Motion Fee

PAID - AMOUNT: \$25.00

EXEMPT: (check reason)

- Rule to Show Cause in Child or Spousal Support
- Domestic Abuse or Abuse and Neglect
- Indigent Status State Agency v. Indigent Party
- Sexually Violent Predator Act Post-Conviction Relief
- Motion for Stay in Bankruptcy
- Motion for Publication Motion for Execution (Rule 69, SCRPC)
- Proposed order submitted at request of the court; or,
 reduced to writing from motion made in open court per judge's instructions
 Name of Court Reporter: _____
- Other: _____

JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____
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CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____
 MOTION FEE COLLECTED: \$ _____
 CONTESTED - AMOUNT DUE: \$ _____



SWEENEY WINGATE & BARROW P.A.

February 9, 2016

Reply to: Main Office
Everett A. Kendall, II
(803) 256-2233 x7130
eak@swblaw.com

The Honorable Jerri Ann Roseneau
Beaufort County Clerk of Court
Post Office Drawer 1128
Beaufort, SC 29901

RE: Anthony and Barbara Grazia, et al v. South Carolina State Plastering, LLC, et al
Civil Action No.: 2007-CP-07-1396
Our File: 3826-6177

2016 FEB 12 11:14 AM
CLERK OF COURT
JERRI ANN ROSENEAU

Dear Ms. Roseneau:

Enclosed please find the original and one (1) copy of the Order Granting South Carolina State Plastering, LLC's, Order for Destructive Testing in the above-referenced matter. I have also enclosed an Order coversheet and \$25.00 check for the filing fee. Please file the original and return the remaining clocked copy to me in the envelope provided.

By copy of this letter to opposing counsel, I am serving them with same.

Thank you for your assistance, and should you have any questions, please do not hesitate to contact me. I remain,

Very truly yours,

SWEENEY, WINGATE & BARROW, P.A.


for Everett A. Kendall, II

EAK/elw
Enclosures

cc: The Honorable Edgar W. Dickson (Via electronic & regular mail)
Phillip W. Segui, Jr. Esquire (Via electronic mail only)
John T. Chakeris, Esquire (Via electronic mail only)
W. Jefferson Leath, Jr., Esquire (Via electronic mail only)
Michael S. Seekings, Esquire (Via electronic mail only)
A. Victor Rawl, Jr., Esquire (Via electronic mail only)
David S. Cobb, Esquire (Via electronic mail only)
R. Michael Ethridge, Esquire (Via electronic mail only)