

# The South Carolina Court of Appeals

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

v.

South Carolina State Plastering, LLC,  
Appellant/Respondent.

And

South Carolina State Plastering, LLC,  
Appellant/Respondent,

v.

Del Webb Communities, Inc., Pulte Homes, Inc., and  
Kephart Architects, Inc., Third-Party Defendants,

Of which Del Webb Communities, Inc. and Pulte Homes,  
Inc. are Respondents/Appellants.

Appellate Case No. 2017-000218

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## ORDER

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Appellant/Respondent and Respondents/Appellants have filed separate motions to determine the appealability of the orders on appeal. Respondents have also filed a motion to dismiss, arguing the orders on appeal are not immediately appealable. We find the orders on appeal are interlocutory and not appealable pursuant to section 14-3-330 of the South Carolina Code (2017); accordingly, we grant Respondents' motion and dismiss the instant appeals. *See Knowles v. Standard Sav. & Loan Ass'n*, 274 S.C. 58, 59, 261 S.E.2d 49, 49 (1979) ("Class certification, essentially procedural in nature, does not involve substantial or essential legal

rights which require attention prior to final judgment. . . . Neither does certification reach the 'merits' of the underlying cause of action . . . ."); *Grazia v. S.C. State Plastering, LLC*, 390 S.C. 562, 573, 703 S.E.2d 197, 202 (2010) ("[The] rights under the Right to Cure Act notice provisions are not new substantive rights, but instead represent an effort by the General Assembly to provide the contractors/subcontractors a new procedural timeline for asserting existing litigation rights."). The remittitur will be sent as provided by Rule 221(b), SCACR.<sup>1</sup>

  
FOR THE COURT

Columbia, South Carolina

cc: Everett Augustus Kendall, II, Esquire  
W. Jefferson Leath, Jr., Esquire  
Michael S. Seekings, Esquire  
Phillip Ward Segui, Jr., Esquire  
John T. Chakeris, Esquire  
A. Victor Rawl, Jr., Esquire  
Robert L. Widener, Esquire  
Robert Michael Ethridge, Esquire  
The Honorable Edgar W. Dickson

**FILED**

March 17, 2017

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<sup>1</sup> Because we dismiss these appeals, we need not entertain Respondents motion to lift the automatic stay.