

RECEIVED

JUN 14 2017

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

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

Case No. 2007-CP-07-1396

Appeal No. 2017-000218

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

v.

South Carolina State Plastering, LLC, ..... Petitioner.

AND

South Carolina State Plastering, LLC, ..... Petitioner,

v.

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

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

APPENDIX TO PETITION FOR A WRIT OF CERTIORARI  
TO THE COURT OF APPEALS

Everett A. Kendall, II, SC Bar No. 8450  
Marshall C. Crane, SC Bar No. 102679  
Sweeny, Wingate & Barrow, P.A.  
Post Office Box 12129  
Columbia, South Carolina 29211  
803-256-2233

R. Michael Ethridge, SC Bar No. 016892  
Suzanne E. Deters, SC Bar No. 101243  
Ethridge Law Group, LLC  
P.O. Box 20969  
Charleston, SC 29413  
843-614-2253

ATTORNEYS FOR PETITIONER  
South Carolina State Plastering, LLC

Other Counsel of Record:

W. Jefferson Leath, Jr.  
Michael S. Seeking  
Leath, Bouch & Seekings, LLP  
92 Broad Street  
P.O. Box 59  
Charleston, South Carolina 29402

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

John T. Chakeris  
The Chakeris Law Firm  
231 Calhoun Street  
Charleston, S South Carolina C 29402

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

Phillip W. Segui, Jr.  
Segui Law Firm, LLC  
864 Lowcountry Boulevard, Suite A (29464)  
P.O. Box 1450  
Mount Pleasant, South Carolina 29465

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

A. Victor Rawl, Jr.  
Henry W. Frampton, IV  
McNair Law Firm, PA  
P.O. Box 1431  
Charleston, South Carolina 29402

*Attorneys for Third-Party Defendants Del Webb Communities, Inc., and Pulte Homes, Inc.*

Robert L. Widener  
McNair Law Firm, PA  
1221 Main Street (29201)  
P.O. Box 11390  
Columbia, South Carolina 29211

*Attorneys for Third-Party Defendants Del Webb Communities, Inc., and Pulte Homes, Inc.*

David S. Cobb  
Turner, Padget, Graham & Laney, P.A.  
40 Calhoun Street, Suite 200 (29401)  
P.O. Box 22129  
Charleston, South Carolina 29413

*Attorney for Third-Party Defendant Kephart Architects, Inc.*

## INDEX

Preliminary Order (by Judge Baxley).....	1
Order Dismissing Motions to Reconsider (by Judge Baxley) .....	17
Order Approving Class Notice (by Judge Dickson) .....	20
Order Granting SCSP’s Motion for Destructive Testing (by Judge Baxley) .....	51
Scheduling Order (by Judge Dickson) .....	53
Order (No Motions Pending) (by Judge Dickson) .....	56
Rule 59(e) Order Dismissing Motions to Reconsider (by Judge Dickson) .....	61
Email from John Dodds to Vic Rawl (March 21, 2017) .....	64
SCSP’s Rule 59(e) Motion to Reconsider (Jan. 5, 2012) .....	70
SCSP’s Rule 59(e) Motion to Reconsider (Oct 3, 2016) .....	72
SCSP’s Memo in Support of Motion to Reconsider (Nov 7, 2016) .....	79
SCSP’s Supplemental Memo in Support of Motion to Reconsider (Dec. 16, 2016) .....	156
SCSP’s Notice of Appeal .....	159
SCSP’s Motion to Determine Appealability .....	162
Plaintiffs’ Motion to Dismiss SCSP’s Appeal .....	185
Del Webb’s Return to SCSP’s Motion to Determine Appealability .....	243
SCSP’s Motion for Extension to serve and file a Return to the Motion to Dismiss .....	248
Court of Appeals Order Granting Extension .....	253
Court of Appeals Amended Order Granting Extension .....	255
SCSP’s Return to Plaintiff’s Motion to Dismiss SCSP’s Appeal .....	257
Respondents’ Return in Opposition to SCSP’s Motion to Transfer and Certify the Case ...	271
Del Webb’s Return to SCSP’s Motion to Transfer and Certify the Case .....	278
Del Webb Motion to Certify Appeal for Review .....	283
Respondents’ Reply to SCSP’s Return to Motion to Dismiss .....	288

Court of Appeals Order Dismissing SCSP's Appeal .....	326
SCSP's Petition for Rehearing .....	328
Respondents' Return in Opposition to SCSP's Petition for Rehearing .....	344
SCSP's Reply to Respondents' Return in Opposition to SCSP's Petition for Rehearing ...	381
Court of Appeals Order Denying SCSP's Petition for Rehearing .....	386
SCSP's Petition for Extraordinary Relief .....	388
Del Webb's Return to Petition for Extraordinary Relief .....	414