

# The South Carolina Court of Appeals

Ex Parte: William Dixon Robertson III, William M. Bowen, W. Jefferson Leath, Jr., Michael S. Seekings, and Timothy W. Bouch, Appellants,

Timothy Treon and his wife, Jane Treon, P. Jennings Scarce and Steven Christian individually and on behalf of others similarly situated in the State of South Carolina, Respondents,

v.

Dryvit Systems, Inc., Defendant.

Appellate Case No. 2012-213083

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## ORDER

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Respondents have filed a motion to dismiss and Appellants have filed a motion to hold this appeal in abeyance pending the lower court's ruling on a timely post-trial motion. After careful consideration, this appeal is dismissed without prejudice. *See Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986) ("[I]n the event timely post-trial motions are filed under Rule 59, simultaneously with or subsequent to the filing of a Notice of Appeal, the appellant shall notify the Clerk of . . . Court in writing. Upon receipt of such notice, the appeal shall be dismissed without prejudice. Any party can appeal within ten (10) days after the order disposing of the post-trial motions. A second filing fee will not be collected from a party who previously appealed.").

  
FOR THE COURT

**FILED**

12/3/12 AS

Columbia, South Carolina

cc:

Tanya Amber Gee

James L. Bruner

Kent Taylor Stair

Thomas Justin Finn

Gregory Milam Alford

Robert B. Sam Phillips

Susan Pedrick McWilliams

Daniel C. Leonardi

Kenneth C. Anthony, Jr.

Thomas E. Williams