

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY
COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

RECEIVED

JUL 28 2017

Case No. 2014-CP-08-2424

Appellate Court Case No. 2016-2339

SC Court of Appeals

Patricia Damico, and Lenna Lucas, individually and on behalf of all others similarly situated, Joshua and Brittany Beutow, Edward and Sylvia Dengg, Jonathan and Theresa Douglass, Anthony and Stacey Ray, Danny and Ellen Davis Morrow, Czara and Chad England, Bryan and Cynthia Camara, and Matthew Collins Respondents,

v.

Lennar Carolinas, LLC, Spring Grove Plantation Development, Inc., Manale Landscaping LLC, Super Concrete of SC, Inc., Southern Green, Inc., TBJ Trucking/Leasing, LLC, Paragon Site Constructors, Inc., Civil Site Environmental and Rick Bryant, individually Defendants,

Of which Spring Grove Plantation Development, Inc., Manale Landscaping, LLC, Super Concrete of SC, Inc., Southern Green, Inc., TJB Trucking/Leasing, LLC and Civil Site Environmental are Respondents.

AND

Lennar Carolinas, LLC Appellant,

v.

The Earthworks Group, Inc., Volkmark Consulting, LLC, Geometrics Consulting, LLC, Land/Site Services, Inc., Myers Landscaping, Inc., A.C.&A. Concrete, Inc., Knight's Concrete Products, Inc., Knight's Redi-Mix, Inc., Coastal Concrete Southeast, LLC, Coastal Concrete Southeast II, LLC, Guaranteed Framing, LLC, Ozzy, Construction, LLC, Construction Applicators Charleston, LLC, LA New Enterprises, LLC, Decor Corporation, DVS, Inc., Raul Martinez Masonry, LLC, Alpha Omega Construction Group, Inc., South Carolina Exteriors, LLC, Builders

FirstSource-Southeast Group, LLC, and Low Country Renovations and Siding, LLC..... Third-Party Defendants,

Of which Volkmar Consulting Services, LLC, Land/Site Services, Inc., Myers Landscaping, Inc., A.C.&A. Concrete, Inc., Knight's Concrete Products, Inc., Knight's Redi-Mix, Inc., Coastal Concrete Southeast, LLC, Coastal Concrete Southeast II, LLC, Guaranteed Framing, LLC, Ozzy Construction, LLC, Construction Applicators Charleston, LLC, LA New Enterprises, LLC, Decor Corporation, DVS, Inc., Raul Martinez Masonry, LLC, Alpha Omega Construction Group, Inc., South Carolina Exteriors, LLC, Builders FirstSource-Southeast Group, LLC are also Respondents.

AND

Decor Corporation..... Fourth-Party Plaintiff,

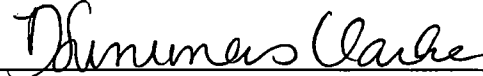
v.

Baranov Flooring, LLC, DJ Construction "Services, LLC, Creative Wood Floors, LLC, Geraldo Cunha, Ebenezer Flooring, LLC, Emmanuel Flooring and Siding, LLC, Eusi Flooring and Covering, LLC, Nicolas Flores, Alexander Martinez, Isidru Mejia, Juan Perez, Ernesto M. Perez, N&B Construction, LLC, Jose Dias Rodrigues, Livia Sousa, Jose Betio Pereira, Jose Paz Castro Hernandez, Divinio Aperecido Corgosinho, Ricardo Chiche, CEBS Construction, Bayshore Siding and Flooring, Sebastio Luiz de Araujo, and John Does 1-4 Fourth-Party Defendants.

THIRD-PARTY DEFENDANT THE EARTHWORKS GROUP, INC.'S
NOTICE OF JOINDER IN FILINGS

Third-Party Defendant The Earthworks Group, Inc. hereby joins in the briefs and other filings filed by Respondents DVS, Inc., Décor Corporation, Coastal Concrete Southeast, LLC, Super Concrete of SC, Inc., Manale Landscaping, LLC, South Carolina Exteriors, LLC, Alpha Omega Construction, Inc., Guaranteed Framing, LLC, and Myers Landscaping, Inc. in this appellate matter and adopts the arguments presented therein to the extent they are be applicable to The Earthworks Group, Inc.

Barnwell Whaley Patterson & Helms, LLC



K. Michael Barfield (S.C. Bar No. 69400)
D. Summers Clarke, II (S.C. Bar No. 74829)
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Attorneys for The Earthworks Group, Inc.

July 26, 2017
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
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APPEAL FROM BERKELEY
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v.

Lennar Carolinas, LLC, Spring Grove Plantation Development, Inc., Manale Landscaping LLC, Super Concrete of SC, Inc., Southern Green, Inc., TJB Trucking/Leasing, LLC, Paragon Site Constructors, Inc., Civil Site Environmental and Rick Bryant, individuallyDefendants,

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The Earthworks Group, Inc., Volkmark Consulting, LLC, Geometrics Consultina, LLC, Land/Site Services, Inc., Myers Landscaping, Inc., A.C.&A. Concrete, Inc., Knight's Concrete Products, Inc., Knight's Redi-Mix, Inc., Coastal Concrete Southeast, LLC, Coastal Concrete Southeast II, LLC, Guaranteed Framing, LLC, Ozzy, Construction, LLC, Construction Applicators Charleston, LLC, LA New

Enterprises, LLC, Decor Corporation, DVS, Inc., Raul Martinez Masonry, LLC, Alpha Omega Construction Group, Inc., South Carolina Exteriors, LLC, Builders FirstSource-Southeast Group, LLC, and Low Country Renovations and Siding, LLC Third-Party Defendants,

Of which Volkmar Consulting Services, LLC, Land/Site Services, Inc., Myers Landscaping, Inc., A.C.&A. Concrete, Inc., Knight's Concrete Products, Inc., Knight's Redi-Mix, Inc., Coastal Concrete Southeast, LLC, Coastal Concrete Southeast II, LLC, Guaranteed Framing, LLC, Ozzy Construction, LLC, Construction Applicators Charleston, LLC, LA New Enterprises, LLC, Decor Corporation, DVS, Inc., Raul Martinez Masonry, LLC, Alpha Omega Construction Group, Inc., South Carolina Exteriors, LLC, Builders FirstSource-Southeast Group, LLC are also Respondents.

AND

Decor Corporation..... Fourth-Party Plaintiff,

v.

Baranov Flooring, LLC, DJ Construction "Services, LLC, Creative Wood Floors, LLC, Geraldo Cunha, Ebenezer Flooring, LLC, Emmanuel Flooring and Siding, LLC, Eusi Flooring and Covering, LLC, Nicolas Flores, Alexander Martinez, Isidru Mejia, Juan Perez, Ernesto M. Perez, N&B Construction, LLC, Jose Dias Rodrigues, Livia Sousa, Jose Betio Pereira, Jose Paz Castro Hernandez, Divinio Aperecido Corgosinho, Ricardo Chiche, CEBS Construction, Bayshore Siding and Flooring, Sebastio Luiz de Araujo, and John Does 1-4 Fourth-Party Defendants.

PROOF OF SERVICE

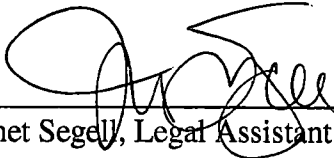
I hereby certify that on July 26, 2017, I served Third-Party Defendant The Earthworks Group, Inc.'s Notice of Joinder in Filings by depositing a copy thereof in the U.S. mail, postage pre-paid, on all counsel of record, addressed as follows:

<p>John C. Hayes, IV Hayes Law Firm, LLC 180 Meeting Street, Suite 330 Charleston, SC 29401 jhayes@hayeslaw.org Attorneys for Plaintiffs</p>	<p>Michael J. Jordan Steinberg Law Firm, LLP P. O. Box 1028 Goose Creek, SC 29445 mjordan@steinberglawfirm.com Attorneys for Plaintiffs</p>
<p>Jenna K. McGee F. Elliott Quinn, IV Parker Poe Adams & Bernstein, LLP 200 Meeting Street, Suite 301 Charleston, SC 29401 jennamcgee@parkerpoe.com elliottquinn@parkerpoe.com Attorneys for Lennar Carolinas, LLC</p>	<p>S. Markey Stubbs Baker Ravenel Bender P. O. Box 8057 Columbia, SC 29202 mstubbs@brblegal.com Attorneys for DVS, Inc.</p>
<p>Bachman S. Smith, IV Haynsworth Sinkler Boyd, PA P.O. Box 340 Charleston, SC 29402-0340 bsmith@hsblawfirm.com Attorneys for Southern Green, Inc.</p>	<p>Samia H. Nettles Richardson Plowden & Robinson PA 40 Calhoun Street, Suite 220 Charleston, SC 29401 snettlles@richardsonplowden.com Attorneys for Décor Corp.</p>
<p>James H. Elliott, Jr. Samia H. Nettles Richardson Plowden & Robinson PA 40 Calhoun Street, Suite 220 Charleston, SC 29401 jelliott@richardsonplowden.com snettlles@richardsonplowden.com Attorneys for Manale Landscaping, LLC</p>	<p>R. Patrick Flynn Michael E. Wright Robertson Hollingsworth & Flynn, Inc. Wells Fargo Center 177 Meeting Street, Suite 300 Charleston, SC 29401-2217 rpf@roblaw.net mew@roblaw.net Attorneys for Super Concrete of SC, Inc.</p>
<p>R. Trippett Boineau, II Heath McAlvin Stewart, III McAngus Goudelock & Courie, LLC P. O. Box 12519 Columbia, SC 29211 Trippett.boineau@mgclaw.com Heath.stewart@mgclaw.com Attorneys for Spring Grove Plantation Development, Inc.</p>	<p>David S. Black Lauralee Townsend, Esq. Howell, Gibson & Hughes, P.A. P.O. Box 40 Beaufort, SC 29901-0040 DBlack@hgpha.com LTownsend@hgpha.com Attorneys for TJB Trucking/Leasing, LLC</p>
<p>Kathy A. Carlsten Carlock Copeland & Stair, LLP 40 Calhoun Street, Suite 400 Charleston, SC 29401 kcarlsten@carlockcopeland.com nemge@carlockcopeland.com Attorneys for Civil Site Environmental, Inc.</p>	<p>N. Keith Emge Resnick & Louis, P.C. 234 Seven Farms Drive, #128 Charleston, SC 29401 cemge@rlattorneys.com Attorneys for Civil Site Environmental, Inc.</p>

<p>Lara H. Budd The Budd Law Group, PLLC 10550 Independence Pointe Pkwy, Suite 301 Matthews, NC 28105 lbudd@thebuddlawgroup.com Attorneys for Alpha Omega Construction Group, Inc.</p>	<p>Ronald G. Tate, Jr. R. Batten Farrar Gallivan White & Boyd, P.A. P. O. Box 10589 Greenville, SC 29601 rtate@gwblawfirm.com bfarrar@gwblawfirm.com Attorneys for Volkmar Consulting Services, LLC</p>
<p>Steven L. Smith Zachary J. Closser Samuel M. Wheeler Smith Closser, P.A. P. O. Box 405878 Charleston, SC 29423-0578 ssmith@scnlaw.com zclosser@scnlaw.com swheeler@scnlaw.com Attorneys for Paragon Site Constructors, Inc., Knight's Concrete Products, Inc. and Knight's Redi-Mix, Inc.</p>	<p>David C. Cleveland Clawson & Staubes 126 Seven Farms Drive, Suite 200 Charleston, SC 29492-8144 dcleveland@clawsonandstaubes.com Attorneys for Low Country Renovations and Myers Landscaping, Inc.</p>
<p>John M. Grantland Rogers E. Harrell, III Murphy & Grantland, P.A. P. O. Box 6648 Columbia, SC 29260 jgrantland@murphygrantland.com rharrell@murphygrantland.com Attorneys for Isidru Mejia</p>	<p>Stephen P. Hughes Howell Gibson and Hughes, P.A. P. O. Box 40 Beaufort, SC 29901 Sphughes@hghpa.com Attorneys for Builders FirstSource-Southeast Group, LLC</p>
<p>Stephen L. Brown Catherine H. Chase Mary S. Willis Young Clement Rivers, LLP P. O. Box 993 Charleston, SC 29402 sbrown@ycrlaw.com cchase@ycrlaw.com mwillis@ycrlaw.com Attorneys for Alpha Omega Construction Group, Inc.</p>	<p>Preston B. Dawkins, Jr. Aiken Bridges, P.A. P. O. Drawer 1931 Florence, SC 29503 pbd@aikenbridges.com Attorney for Alpha Omega Construction Group, Inc.</p>

<p>Alan Ross Belcher, Jr. Derek M. Newberry, Esquire Hall Booth Smith, PC 40 Calhoun Street, Suite 550 Charleston, SC 29401 Alan.belcher@hallboothsmith.com dnewberry@hallboothsmith.com Attorneys for Guaranteed Framing, LLC</p>	<p>Christine Companion Varnado The Seibels Law Firm 38 Broad Street, Suite 200 Charleston, SC 29401 cvarnado@seibelsfirm.com Attorneys for Guaranteed Framing, LLC</p>
<p>Shanna Milcetic Stephens Anderson Reynolds & Stephens, LLC P. O. Box 87 Charleston, SC 29402 sstephens@arslawsc.com Attorneys for AC&A Concrete, Inc. and JC Contractors, LLC</p>	<p>David S. Cobb Turner Padgett P. O. Box 22129 Charleston, SC 29413 dcobb@turnerpadgett.com Attorneys for Construction Applicators Charleston, LLC</p>
<p>Erin D. Dean Tupper Grimsley & Dean, P.A. 611 Bay Street Beaufort, SC 29902 erindean@tgdpa.com Attorneys for Raul Martinez Masonry, LLC and LA New Enterprises</p>	<p>Emily Ruth Gifford, Esq. Richardson Plowden & Robinson, P.A. P.O. Drawer 7788 Columbia SC 29202 egifford@richardsonplowden.com Attorneys for Geometrics Consulting Services LLC</p>
<p>Brent Morris Boyd Murphy & Grantland, P.A. P.O. Box 6648 Columbia, SC 29260 bboyd@murphygrantland.com Attorneys for Coastal Concrete Southeast II, LLC and Coastal Concrete Southeast LLC</p>	<p>Jenny Costa Honeycutt Best Honeycutt, P.A. P.O. Box 13466 James Island, SC 29422 jenny@besthoneycutt.com Attorneys for South Carolina Exteriors LLC</p>
<p>Thomas Frank Dougall Dougall & Collins 1700 Woodcreek Farms Rd., Ste. 100 Elgin, SC 29045 tdougall@dougallfirm.com Attorneys for Baranov Flooring LLC and Ozzy Construction</p>	<p>Steven Wayne Ouzts Joshua Daniel Shaw Turner Padgett Graham & Laney, PA P.O. Box 1473 Columbia SC 29202 souzts@turnerpadgett.com jshaw@turnerpadgett.com Attorneys for Ceb's Construction</p>
<p>Christopher M. Adams Collins & Lacy P.O. Box 12487 Columbia, SC 29211 cadams@collinsandlacy.com Attorneys for DJ Construction Services, LLC and Unique Framing, LLC</p>	<p>William W. Watkins, Jr. Stephanie G. Brown P.O. Box 1200 Charleston, SC 29402 Trey.watkins@walltempleton.com Attorneys for Itatiaia Construction, LLC, Lima Construction, LLC, and N&B Construction, LLC</p>

<p>Morgan S. Templeton Wall Templeton & Haldrup, P.A. P.O. Box 1200 Charleston, SC 29402 morgan.templeton@walltempleton.com <i>Attorneys for First Construction, LLC</i></p>	<p>John E. Rogers, II The Ward Law Firm, P.A. P.O. Box 5663 Spartanburg, SC 29304 jrogers@wardfirm.com <i>Attorneys for Land/Site Services, Inc.</i></p>
<p>Michal Kalwajtys 1700 Woodcreek Farms Rd., Ste. 100 Elgin, SC 29045 <i>Attorneys for Juan Garza Ramos</i></p>	<p>Sarah L. Fragale Turner Padget 40 Calhoun Street, Suite 200 Charleston, SC 29401 sfragale@turnerpadget.com <i>Attorneys for Espino Roofing, LLC</i></p>



Janet Segell, Legal Assistant



D. Summers Clarke, II
sclarke@barnwell-whaley.com

reply to Charleston office

July 26, 2017

204.194
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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JUL 28 2017

SC Court of Appeals

RE: Patricia Damico, et al. v. Lennar Carolinas, LLC, et al.
Appellate Court Case No. 2016-2339

Dear Madam Clerk:

Please find enclosed an original and two copies of Third-Party Defendant The Earthworks Group, Inc.'s Notice of Joinder in Filings. As evidenced by the enclosed Proof of Service, I am serving all counsel of record in this matter with a copy of the Notice.

Sincerely,

A handwritten signature in cursive script that reads "D Summers Clarke".

D. Summers Clarke, II

/jas
enclosures

c: All Counsel of Record

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P 843.577.7700 F 843.577.7708

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P 910.679.1388 F 910.679.4663

REPRESENTING CLIENTS IN ALL COURTS IN SOUTH CAROLINA AND NORTH CAROLINA AND IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



**BARNWELL
WHALEY** | **75** 1938-2013
PATTERSON & HELMS LLC | YEARS ■

P.O. Drawer H, Charleston, SC 29402-0197

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