



# The South Carolina Court of Appeals

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August 10, 2017

The Honorable Jerri Ann Roseneau  
PO Box 1128  
Beaufort SC 29901-1128

## REMITTITUR

Re: Anthony Grazia v. SC State Plastering  
Lower Court Case No. 2007CP0701396  
Appellate Case No. 2017-000218

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

Enclosure

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 J. Michael Baxley

# 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.

The Supreme Court of South Carolina

RECEIVED

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

AUG 09 2017

SC Court of Appeals

v.

South Carolina State Plastering, LLC, Petitioner-  
Respondent.

And

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

Appellate Case No. 2017-001305

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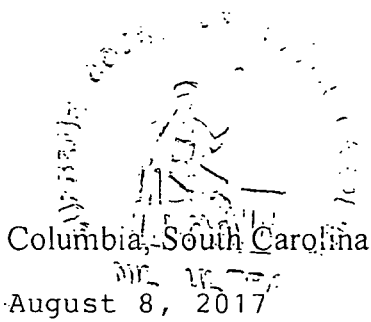
ORDER

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The petitions for a writ of certiorari to review the Court of Appeals' dismissal of these appeals are denied. Respondents' motion for extraordinary relief is denied as unnecessary. The Clerk of the Court of Appeals is hereby instructed to send the remittitur immediately upon notification of this order, as set forth in Rule 221(b), SCACR.



C.J.



Columbia, South Carolina

August 8, 2017

*John Kittelge* J.  
*Kaye G. Beam* J.  
*John Cannon Jr* J.  
*Lee Jensen* J.

cc:

The Honorable Jenny Abbott Kitchings

A. Victor Rawl, Jr., Esquire

Robert L. Widener, Esquire

W. Jefferson Leath, Jr., Esquire

Michael S. Seekings, Esquire

Phillip Ward Segui, Jr., Esquire

John T. Chakeris, Esquire

Everett Augustus Kendall, II, Esquire

Robert Michael Ethridge, Esquire

Henry Wilkins Frampton, IV, Esquire

Joshua W. Dixon, Esquire

The Honorable Jerri Ann Roseneau