

MCNAIR  
ATTORNEYS

January 7, 2013

Robert L. Widener

rwidener@mcnair.net  
T 803.799.9800  
F 803.753.3278

Honorable Jenny Abbott Kitchings  
Clerk of Court  
S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: Jim Lancaster, et al. v. Georgia-Pacific Corporation, et al.  
Case No. 2007-CP-07-3166

Dear Madam Clerk:

Enclosed for filing, please find the original and two copies of the Notice of Appeal with regard to the above referenced case. Please file the Notice and return a file stamped copy to us in the return envelope provided. As indicated by the enclosed Certificate of Service, counsel of record has been served with a copy of the Notice. Our check in the amount of \$100.00 for the filing fee is enclosed.

We are in receipt of the transcript for this appeal. It is our understanding the initial brief and designation of matter will be due on February 6, 2013.

**PLEASE NOTE:** This order relates directly to another appealed order already before this Court, i.e., the order entitled: "Preliminary Case Management and Scheduling Order." [PENDING APPELLATE CASE NO. 2012-210927] The Court dismissed the appeal of that order, and a petition for rehearing is currently pending before this Court. In the current order, the trial court held that a defendant in a class action does not have the right to make individual settlement offers to class members under the Right to Cure Act. If this order is not appealed immediately, any right to make individual settlement offers under the Act could be forever lost, and it will be impossible to prove any prejudice in an appeal after final judgment, e.g., that a particular homeowner would have accepted a pre-judgment settlement offer if the offer had been delivered to the homeowner when made by the defendant. The appealed order also notes the results of an inspection of 79 class homes, which demonstrates that the dissimilarities between the homes of the class members predominate over any common issues. Please advise the panel considering the rehearing petition in Case No. 2012-210927 of this current order and appeal.

McNair Law Firm, P. A.  
1221 Main Street  
Suite 1800  
Columbia, SC 29201

Mailing Address  
Post Office Box 11390  
Columbia, SC 29211

RECEIVED  
mcnair.net

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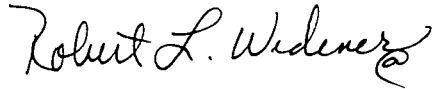
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Respectfully yours,

McNAIR LAW FIRM, P.A.



Robert L. Widener  
SC Bar No. 6089

RLW/as  
Enclosures

cc: G. Mark Phillips, Esq.  
Karl S. Brehmer, Esq.  
James H. Elliott, Jr., Esq.  
Sterling G. Davies, Esq.  
S. Gardner Culpepper, Esq.  
Courtney C. Enloe, Esq.  
Honorable Jerri Roseneau  
Joseph DaPore, Esq.  
Arthur Thomas Meeder, Esq.