

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

Aug 09 2021

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

S.C. SUPREME COURT

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

Appellate Case No. 2020-001048
Case No. 2014-CP-08-2424

Patricia Damico and Lenna Lucas, Individually and on behalf of all others similarly situated, Joshua and Brettany Buetow, 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, Plaintiffs.

Of whom Patricia Damico and Lenna Lucas, Individually and on behalf of all others similarly situated, Joshua and Brettany Buetow, Jonathan and Theresa Douglass, Danny and Ellen Davis Morrow, Czara and Chad England, Bryan and Cynthia Camara, and Matthew Collins are Petitioners,

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, 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, Respondent,

v.

The Earthworks Group, Inc., Volkmar Consulting Services, 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, Décor 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 LLP, 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 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

The undersigned hereby certifies that on August 9, 2021, he served the foregoing **Lennar Carolinas, LLC's Respondent's Brief** via email (attached hereto as Exhibit A) containing the above referenced document to Petitioners counsels' individual AIS email addresses pursuant to the SC Supreme Court COVID Order 2020-05-29-02 as follows:

Michael J. Jordan
Catherine K. Dunn Meehan
The Steinberg Law Firm, LLP
P.O. Box 1028
Goose Creek, SC 29445
mjordan@steinberglawfirm.com
cmeehan@steinberglawfirm.com

John Calvin Hayes, IV
Hayes Law Firm, LLC
180 Meeting Street, Suite 330
Charleston, SC 29401
jhayes@hayeslaw.org

Jesse Sanchez
The Law Office of Jesse Sanchez
98 ½ Broad Street, Suite B
Charleston, SC 29401
jesse@jessesanchezlaw.com
*Attorneys for Petitioners Patricia Damico;
Joshua and Brittany Buetow; Bryan and Cynthia
Camara; Matthew Collins; Jonathan and
Theresa Douglass; Czara and Chad England;
Lenna Lucas; Danny and Ellen Davis Morrow*

Stephen P. Hughes
Howell, Gibson and Hughes, P.A.
P.O. Box 40
Beaufort, SC 29901-0040
sphughes@hgpha.com
*Attorney for Builders First Source-Southeast
Group, LLC*

N. Keith Emge, Jr.
Resnick & Louis, P.C.
234 Seven Farms Drive #128
Charleston, SC 29492
cemge@rlattorneys.com
Attorney for Civil Site Environmental

Shanna Stephens
Wade Coleman Lawrimore
Anderson Reynolds & Stephens, LLC
P.O. Box 87
Charleston, SC 29402
843-723-0185
sstephens@arslawsc.com
clawrimore@arslawsc.com
Attorneys for A.C.&A. Concrete, Inc.

Stephen L. Brown
Catherine H. Chase
Young Clement Rivers, LLP
P.O. Box 993
Charleston, SC 29402
843-720-5488
sbrown@ycrlaw.com
cchase@ycrlaw.com
Attorneys for Alpha Omega Construction Group, Inc.

Preston B. Dawkins, Jr.
Aiken Bridges Elliott Tyler & Saleeby, PA
181 East Evans St, Suite 409
Florence, SC 29506
pbd@aikenbridges.com
Attorney for Alpha Omega Construction Group, Inc.

Kathy A. Carlsten
Carlock Copeland & Stair, LLP
40 Calhoun Street, Suite 400
Charleston, SC 29401
kcarlsten@cskl.law
Attorney for Civil Site Environmental

Brent M. Boyd
Timothy J. Newton
Murphy & Grantland, P.A.
PO Box 6648
Columbia, SC 29260
bboyd@murphygrantland.com
tnewton@murphygrantland.com
*Attorneys for Coastal Concrete Southeast, LLC and
Coastal Concrete Southeast II, LLC*

David S. Cobb
Turner Padgett Graham & Laney, P.A.
P.O. Box 22129
Charleston, SC 29413
Dcobb@turnerpadgett.com
*Attorney for Construction Applicators
Charleston, LLC*

Derek M. Newberry
Alan Ross Belcher, Jr.
Elizabeth Wieters
Hall Booth Smith, P.C.
111 Coleman Blvd, Suite 301
Mount Pleasant, SC 29464
dnewberry@hallboothsmith.com
alan.belcher@hallboothsmith.com
ewieters@hallboothsmith.com
Attorneys for Guaranteed Framing, LLC

Steven L. Smith
Zachary J. Closser
Samuel M. Wheeler
Smith Closser, P.A.
PO Box 405878
Charleston, SC 29423-0578
ssmith@scnlaw.com
zclosser@scnlaw.com
swheeler@scnlaw.com
*Attorneys for Knight's Concrete Products, Inc.
and Knight's Redi-Mix, Inc.*

Francis Heyward Grimball
James H. Elliott
Richardson Plowden & Robinson, P.A.
235 Magrath Darby Blvd, Suite 100
Mount Pleasant, SC 29464
fhgrimball@richardsonplowden.com
jelliott@richardsonplowden.com
Attorneys for Manale Landscaping, LLC

Philip Paul Cristaldi, III
Scott Harris Winograd
Jeffrey A. Ross
Ross & Cristaldi, LLC
863 Coleman Blvd., Suite B
Mt. Pleasant, SC 29464
jross@rclawsc.com
pcristaldi@rclawsc.com

Carmen Vaughn Ganjeshani
Samia Nettles
Richardson Plowden & Robinson, P.A.
PO Box Drawer 7788
Columbia, SC 29201
cganjeshani@richardsonplowden.com
snettles@richardsonplowden.com
Attorneys for Décor Corporation

S. Markey Stubbs
Baker, Ravenel & Bender, LLP
PO Box 8057
Columbia, SC 29202
mstubbs@brblegal.com
Attorney for DVS, Inc.

Christine Companion Varnado
The Seibels Law Firm
38 Broad Street, Suite 200
Charleston, SC 29401
Cvarnado@seibelsfirm.com
Attorney for Guaranteed Framing, LLC

Erin DuBose Dean
Tupper Grimsely & Dean, P.A.
P.O. Box 2055
Beaufort, SC 29901-2055
erindean@tgdp.com
*Attorney for LA New Enterprises, LLC and Raul
Martinez Masonry, LLC*

John E. Rogers, II
The Ward Law Firm, P.A.
P.O. Box 5663
Spartanburg, SC 29304
jrogers@wardfirm.com
Attorney for Land/Site Services, Inc.

David Cooper Cleveland
Trey Matthew Nicolette
Clauson & Staubbes, LLC
126 Seven Farms Dr, #200
Charleston, SC 29402
david@cslaw.com
trey@cslaw.com
Attorneys for Myers Landscaping

swinograd@rclawsc.com
Attorneys for Ozzy Construction, LLC

Clarke W. Dubose
Haynsworth Sinkler Boyd, P.A.
1202 Main Street, 22nd Floor
Columbia, SC 29202
cdubose@hsblawfirm.com
Attorney for Southern Green, Inc.

R. Patrick Flynn
Michael Allen
Pope Flynn, LLC
P.O. Box 70
Charleston, SC 29402
Pflynn@popeflynn.com
mallen@popeflynn.com
Attorneys for Super Concrete of SC

Michael Edward Wright
Robertson Hollingsworth Manos & Rahn
550 King Street, Suite 300
Charleston, SC 29403
mew@roblaw.net
Attorney for Super Concrete of SC

Ronald G. Tate, Jr.
Robert Batten Farrar
Gallivan, White & Boyd, P.A.
P.O. Box 10589
Greenville, SC 29603
rtate@gwblawfirm.com
bfarrar@gwblawfirm.com
Attorneys for Volkmar Consulting Services, LLC

Jenny C. Honeycutt
Best Honeycutt, P.A.
P.O. Box 13466
James Island, SC 29422
jenny@besthoneycutt.com
Attorney for South Carolina Exteriors, LLC

R. Trippett Boineau, III
Heath McAlvin Stewart, III
John Adam Ribock
McAngus, Goudelock & Courie, LLC
P.O. Box 12519
Columbia, SC 29211
Trippett.boineau@mgclaw.com
Heath.stewart@mgclaw.com
Adam.ribock@mgclaw.com
Attorneys for Spring Grove Plantation Development, Inc.

David Shuler Black
Howell Gibson & Hughes, P.A.
P.O. Box 40
Beaufort, SC 29901-0040
dblack@hgghpa.com
Attorney for TJB Trucking/Leasing, LLC



James Lynn Werner; SC Bar No. 6029
Jenna K. McGee; SC Bar No. 76891
Katon E. Dawson Jr.; SC Bar No. 101167
PARKER POE ADAMS & BERNSTEIN LLP
PO Box 1509
Columbia, SC 29202
(803) 255-8000

Attorneys for Respondent Lennar Carolinas, LLC

August 9, 2021
Columbia, South Carolina

From: [Andrews, Tricia](#) on behalf of [Werner, James L.](#)
To: [Dawson, Jr., Katon E.](#); [mjordan@steinberglawfirm.com](#); [cmeehan@steinberglawfirm.com](#); [jhayes@hayeslaw.org](#); [jesse@jessesanchezlaw.com](#); [sstephens@arslawsc.com](#); [clawrimore@arslawsc.com](#); [sbrown@yclaw.com](#); [cchase@yclaw.com](#); [pbd@aikenbridges.com](#); [sphughes@hgpha.com](#); [kcarlsten@carlockcopeland.com](#); [cemge@rlattorneys.com](#); [bboyd@murphygrantland.com](#); [tnewton@murphygrantland.com](#); [dcobb@turnerpadget.com](#); [cganjeshani@richardsonplowden.com](#); [snettles@richardsonplowden.com](#); [dnewberry@hallboothsmith.com](#); [alan.belcher@hallboothsmith.com](#); [ewieters@hallboothsmith.com](#); [cvarnado@seibelsfirm.com](#); [mstubbs@brblegal.com](#); [ssmith@scnlaw.com](#); [zclosser@scnlaw.com](#); [swheeler@scnlaw.com](#); [erindean@tqdpa.com](#); [fhgrimball@richardsonplowden.com](#); [jelliott@richardsonplowden.com](#); [jrogers@wardfirm.com](#); [jross@rclawsc.com](#); [pcristaldi@rclawsc.com](#); [david@cslaw.com](#); [treyn@cslaw.com](#); [swinograd@rclawsc.com](#); [cdubose@hsblawfirm.com](#); [jenny@besthoneycutt.com](#); [Trippett.boineau@mgclaw.com](#); [Heath.stewart@mgclaw.com](#); [Adam.ribock@mgclaw.com](#); [pflynn@popeflynn.com](#); [mallen@popeflynn.com](#); [mew@roblaw.net](#); [dblack@hgpha.com](#); [rtate@gwblawfirm.com](#); [bfarrar@gwblawfirm.com](#)
Cc: [Werner, James L.](#); [Dawson, Jr., Katon E.](#); [Ellison, Sherrie R.](#); [Andrews, Tricia](#)
Subject: Patricia Damico, et. al. v. Lennar Carolinas, LLC, et. al - Lennar"s Respondent"s Brief
Date: Monday, August 9, 2021 1:33:32 PM
Attachments: [Ltr. to Clerk of Court \(Supreme\) re Respondent s Brief.pdf](#)
[Lennar s Respondent Brief 8.9.2021.pdf](#)
[Proof of Service Lennar s Respondent Brief 8.9.2021.pdf](#)

Patricia Damico, et. al. v. Lennar Carolinas, LLC, et. al

Case No. 2020-001048

Good Afternoon,

Attached for service is Lennar Carolinas, LLC's Transmittal Letter to the Supreme Court, Respondent's Brief, along with Proof of Service, which is being filed with the Supreme Court of South Carolina today. Copies of the attached filings are being serviced via email only.

Jim Werner

Tricia Andrews

Legal Professional Assistant
803.253.8652