

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

JOHN CARDAMONE and his wife, SALLY CARDAMONE, and BENJAMIN T. CLARK, and his wife, DIANE M. CLARK, and RAMONA GIANNI, and NATHAN W. GORDON, and his wife, JILL C. GORDON, individually and on behalf of others similarly situated in the State of South Carolina, Plaintiff,

-vs-

DRYVIT SYSTEMS, INC. ESTATE BUILDERS, INC., and AMERICAN APPLICATORS OF SOUTH CAROLINA, INC. X Defendants.

IN THE COURT OF COMMON PLEAS CIVIL ACTION NO.: 02-CP-07-1377

MOTION INFORMATION FORM AND COVER SHEET

2004 FEB -4 AM 10:38
CLERK OF COURT
BEAUFORT COUNTY
SOUTH CAROLINA

Name, S.C. Bar no. and address of Plaintiff's attorney

Michael S. Seekings, Esquire
George E. Mullen, Esquire
Mullen, Wylie & Seekings
134 Meeting Street, Suite 500
Charleston, South Carolina 29401-1544
843-853-5353

Name, S.C. Bar No. and address of Defendant's atty

Erin D. Dean (S.C. Bar No.: 65320)
Tupper, Grimsley & Dean, P.A.
Post Office Box 2055, Beaufort, SC 29901
(843) 524-1116,

Francis E. Grimball, Esquire
Post Office Box 21849
Charleston, South Carolina 29413
843-853-5353

Peter W. Morgan, Esquire
Dickstein, Shapiro, Morin & Oshinsky
1201 L. Street NW
Washington, DC 20037-1526

W. Jefferson Leath, Jr., Esquire
Timothy W. Bouch, Esquire
Leath, Bouch & Crawford, L.L.P.
Post Office Box 59
Charleston, South Carolina 29402
843-937-8811

Jonathan J. Anderson, Esquire
Anderson & Sequi
Post Office Box 87
Charleston, SC 29402
843-723-0185

William Dixon Robertson, Esquire
Post Office Box 11401
Columbia, South Carolina 29211-1401
803-988-0040

William M. Bowen, Esquire
Post Office Box 6128
Hilton Head Island, SC 29938
843-842-5000

X MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I & II)
FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II & III)

SECTION I: Hearing Information

Nature of Motion: for Decertification of Conditional Class
Estimated Time Needed: 15 Minutes

Court Reporter Needed: Yes

SECTION II: Motion Type

Written motion attached

Form Motion -

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for (Plaintiff)(Defendant)

Date submitted

SECTION III: Motion Fee

PAID - AMOUNT: \$25.00

____ EXEMPT: Rule to Show Cause in Child or Spousal Support

____ Domestic Abuse or Abuse and Neglect

____ Indigent Status State Agency v. Indigent Party

____ Sexually Violent Predator Act Post-Conviction Relief

____ Motion for Stay in Bankruptcy

____ Motion for Publication Motion for Execution (SCRCP Rule 69)

____ Proposed order submitted at request of the court; or, reduced to writing

from motion made in open court per judge's instructions

Name of Court Reporter:

____ Other:

JUDGE'S SECTION

____ Motion Fee to be paid upon filing of the attached order.

____ Other:

Judge

CODE:

Date:

CLERK'S VERIFICATION

Collected by: _____

(print name)

____ MOTION FEE COLLECTED:

____ CONTESTED - AMOUNT DUE:

Date filed: _____

FILED
CLERK OF COURT
COURT HOUSE
100 N. 3rd St.
MILWAUKEE, WI 53202

2011 FEB -4 11:10:38

STATE OF SOUTH CAROLINA)
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 COUNTY OF BEAUFORT)
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 JOHN CARDAMONE and his)
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 and BENJAMIN T. CLARK and)
 his wife, DIANE M. CLARK, and)
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 NATHAN W. GORDON, and his)
 wife, JILL C. GORDON,)
 individually and on behalf of)
 others similarly situated in the)
 state of South Carolina,)
 Plaintiffs)
)
 -versus-)
)
 DRYVIT SYSTEMS, INC.,)
 ESTATE BUILDERS, INC.,)
 and AMERICAN APPLICATORS)
 OF SOUTH CAROLINA, INC.,)
 Defendants)
)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CIVIL ACTION NUMBER: 02-CP-07-1377

NOTICE OF MOTION AND
 MOTION FOR DECERTIFICATION
 OF CONDITIONAL CLASS

2006 FEB -14 AM 10:38
 CLERK OF COURT
 BEAUFORT COUNTY, S.C.

YOU WILL PLEASE TAKE NOTICE THAT the Defendant Dryvit Systems, Inc., will move on the tenth day after service hereof, or as soon thereafter as counsel may be heard, before the Honorable Curtis J. Coltrane, Master-in-Equity and Special Circuit Court Judge for Beaufort County, South Carolina, for an Order of this Court decertifying the conditional class which was originally certified by Order Granting Class Certification on September 3, 2002. This motion is based on Rule 23(d)(1) of the South Carolina Rules of Civil Procedure and the statutory and common laws of this State.

The movant certifies that pursuant to Rule 11 of the South Carolina Rules of Civil Procedure, that consultation was made with opposing counsel and that they request a hearing on this motion as well.

TUPPER, GRIMSLEY & DEAN, P.A.

By: Erin D. Dean

Ralph E. Tupper
Erin D. Dean
Attorneys for Defendant, Dryvit Systems, Inc.
Post Office Box 2055
Beaufort, South Carolina 29901-2055
Tel: (843) 524-1116

DICKSTEIN, SHAPIRO, MORIN, & OSHINSKY

Erin D. Dean, Peter W. Morgan w/ Permission

Peter W. Morgan
Attorney for Defendant, Dryvit Systems, Inc.
1201 L. Street NW
Washington, DC 20037-1526

Dated: January 20, 2004

Beaufort, South Carolina

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)
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 JOHN CARDAMONE and his)
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 ESTATE BUILDERS, INC.,)
 and AMERICAN APPLICATORS)
 OF SOUTH CAROLINA, INC.,)
 Defendants)
)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CIVIL ACTION NUMBER: 02-CP-07-1377

2004 FEB -4 AM 10:39
 CLERK OF COURT
 BEAUFORT, S.C.

CERTIFICATE OF SERVICE

I, C. Teresa Dean, paralegal for Ralph E. Tupper and Erin D. Dean, of Tupper, Grimsley & Dean, P.A. hereby certify that on February 4, 2004, I have served counsel for all parties in the above captioned matter with a copy of Defendant, Dryvit Systems, Inc.'s *Notice of Motion and Motion to For Decertification of Conditional Class* by depositing in the U.S. Mail a copy of same in a properly addressed envelope with adequate postage thereon to the following:

Michael S. Seekings, Esquire
 George E. Mullen, Esquire
 Mullin, Wylie & Seekings, L.L.C.
 134 Meeting Street, Suite 500
 Charleston, South Carolina 29401-1544

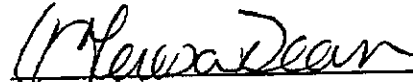
W. Jefferson Leath, Jr., Esquire
 Timothy W. Bouch, Esquire
 Leath, Bouch & Crawford, L.L.P.
 Post Office Box 59
 Charleston, South Carolina 29402

Francis E. Grimball, Esquire
 Post Office Box 21849
 Charleston, South Carolina 29413

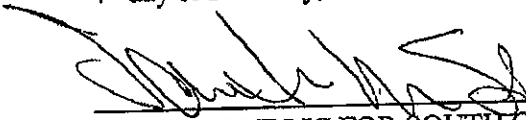
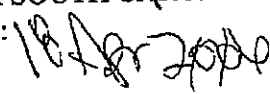
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Post Office Box 6128
Hilton Head Island, SC 29938

Jonathan J. Anderson, Esquire
Anderson & Segui, L.L.C.
Post Office Box 87
Charleston, South Carolina 29402


C. Teresa Dean

SWORN to before me this
4th day of February, 2004


NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 

ELIZABETH M. SMITH
 BEAUFORT COUNTY CLERK OF COURT
 POST OFFICE BOX 1128
 BEAUFORT, SOUTH CAROLINA 29901
 TELEPHONE (843) 470-5218 FACSIMILE (843) 470-5248

FACSIMILE TRANSMITTAL SHEET

TO:	<i>Shirley Terpswa</i>	FROM:	<i>Addie Lee</i>
COMPANY:		DATE:	<i>5-28-04</i>
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PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	
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- URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

NOTES/COMMENTS:

Have a good weekend!