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IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

TEAMSTERS LOCAL 237 ADDITIONAL,)
SECURITY BENEFIT FUND and)
TEAMSTERS LOCAL 237 SUPPLEMENTAL) CIVIL ACTION
FUND FOR HOUSING AUTHORITY) FILE NO. 2011CV197841
EMPLOYEES, Derivatively on)
Behalf of BEAZER HOMES USA,)
INC.,)

Plaintiffs,)

vs.)

IAN J. MCCARTHY, ALLAN P.)
MERRILL, KENNETH F. KHOURY,)
ROBERT L. SALOMON, BRIAN C.)
BEAZER, LAURENT ALPERT, PETER G.)
LEEMPUTTE, NORMA A. PROVENCIO,)
LARRY T. SOLARI, STEPHEN P.)
ZELNAK, JR.,)
PRICEWATERHOUSECOOPERS LLP, and)
MARKSONHRC, LLC,)

Defendants,)

AND,)

BEAZER HOMES USA, Inc.,)

Nominal Defendant.)

COPY

TRANSCRIPT OF MOTION TO DISMISS
BEFORE THE HONORABLE MELVIN WESTMORELAND
ON AUGUST 3, 2011

Courtroom 8H, Fulton County Justice Center Tower
185 Central Avenue, S.W.
Atlanta, Georgia

CHERRIE L. BOWEN, RPR, CCR NO. B-1472
JUSTICE CENTER TOWER
185 CENTRAL AVENUE, SUITE T-1852
ATLANTA, GEORGIA 30303
(404) 612-4339

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APPEARANCES:

For the Plaintiffs: Travis Downs,
Attorney at Law

For individually named defendants,
and MarksonHRC, LLC, and Beazer Homes USA, Inc.:

Bob Thornton,
Attorney at Law

Ben Lee,
Attorney at Law

For Defendant PricewaterhouseCoopers, LLP:

Todd David,
Attorney at Law