

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Roger M. Young, Trial Court Judge
Civil Action No. 2009-CP-10-267

3 Chisolm Street Homeowners Association,
Inc.

Plaintiff-Appellant,

v.

Chisolm Street Partners, LLC, Murray
School Partners, LLC, Genoa Construction
Services, Inc., Masterpiece Millwork, Inc.,
Allen Roper, Jr. d/b/a Masonry Brickwork
and Stucco, John Doe #1, John Doe #2, and
Brock Green Architects and Planners, LLC,

Defendants,

Of Whom Genoa Construction Services,
Inc., Masterpiece Millwork, Inc., and Brock
Green Architects and Planners, LLC are the

Respondents.

Genoa Construction Services, Inc.,

Third-Party Plaintiff,

v.

The Fox Steel Company, Carolina Services, Third-Party Defendants,
Inc., Lesco Restoration, Inc., Ferst
Plastering, Inc., Charleston Glass & Mirror
Company, 3d Renovations, Williams
Mechanical, Mastercraft Interior & Exterior,
Coastal Glass and Block, Adams Davis &
Partners, Troy Pardee Heating and Air
Conditioning d/b/a Pardee Heating and Air,
CT Windows Limited, and Architectural
Materials & Systems,

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SC Court of Appeals

**RESPONDENT BROCK GREEN ARCHITECTS & PLANNERS, LLC'S DESIGNATION
OF MATTERS TO BE INCLUDED IN RECORD ON APPEAL**

Respondent Brock Green Architects & Planners LLC proposes that the following materials be included in the Record on Appeal:

1. Complaint, January 16, 2009;
2. Amended Complaint, January 20, 2009;
3. Second Amended Complaint, April 8, 2010;
4. Defendant Brock Green Architects and Planners, LLC's Answer to Second Amended Complaint; April 28, 2010;
5. Defendant Brock Green Architects and Planners, LLC's Motion for Summary Judgment, December 7, 2010;
6. Defendant Genoa Construction Services, Inc.'s Motion for Summary Judgment or in the Alternative for Partial Summary Judgment, February 1, 2011;
7. Transcript of Hearing on Motions for Summary Judgment, March 28, 2011;
8. Order Denying Defendant Brock Green Architects and Planners LLC's Motion for Summary Judgment, June 9, 2011;
9. Order Granting in Part and Denying in Part Defendant Genoa Construction Services, Inc.'s Motion for Summary Judgment, June 9, 2011;
10. Order Granting Charleston Glass & Mirror Company, Inc., Metro Waterproofing, Inc., and Fox Steel Company's Motions for Summary Judgment, June 9, 2011;
11. Order Granting Williams Mechanical's Motion for Summary Judgment, June 9, 2011;
12. Order Granting Pardee Service Experts' Motion for Summary Judgment, June 9, 2011;
13. Order Granting Lesco Restoration, Inc.'s Motion for Summary Judgment, June 9, 2011;
14. Order Granting Architectural Material and Systems, Inc.'s Motion for Summary Judgment, June 9, 2011;

15. Defendant Brock Green Architects & Planners, LLC's Motion to Reconsider, Alter and/or Amend and Memorandum in Support, June 23, 2011;
16. Plaintiff's Motion to Reconsider, Alter or Amend Order Granting Partial Summary Judgment as to Genoa Construction Services, Inc., June 24, 2011;
17. Transcript of Hearing on Motions to Reconsider, August 12, 2011;
18. Order Granting Brock Green Architect & Planners, LLC's Motion to Reconsider and Motion for Summary Judgment, January 10, 2012;
19. Order Denying Plaintiff's Motion to Reconsider and Granting Genoa Construction Services, Inc.'s Motion for Summary Judgment, January 10, 2012;
20. Plaintiff's Notice of Appeal of Orders related to Genoa Construction Services, Inc. and Brock Green Architects & Planners, LLC, February 13, 2012;
21. Deposition of Jack Burnett, 14:4-14; 25:10-12; 69:14-16; 85:12-17;
22. Deposition of George Cogar, 76:20-23;
23. Deposition of George Davidson, 95:14-21;
24. Deposition of Myles Glick, 8:19-25; 9:22-10:3; 24:24-25:4; 25:15-21; 33:1-34:23;
25. Deposition of Mike Parades, 18:3-5; 82:17-23; 129:18-25; 165:25-166:14;
26. Deposition of Beverly Seinsheimer, 15:13-25;
27. Deposition of Charles Wyrick (Vol. I), 19:7-19; 19:7-20:10;
28. Deposition of Connie Wyrick, 39:5-12;
29. Glick/Boehm & Associates, Inc.'s Report, April 8, 2003;
30. Glick/Boehm & Associates, Inc.'s Report, April 11, 2003;
31. Letter from Parades to Perdue, June 12, 2003;
32. Email from Parades to Perdue, October 24, 2003;
33. HOA Demand Letter to Perdue, August 2, 2004;
34. HOA Meeting Minutes, March 19, 2002;
35. HOA Meeting Minutes, June 10, 2003;

- 36. HOA Meeting Minutes, September 29, 2004;
- 37. HOA Meeting Minutes, February 6, 2006;
- 38. HOA Meeting Minutes, May 3, 2006;
- 39. Affidavit of Scott Harvey;
- 40. Affidavit of Ray Moses.

I certify that this Designation contains no matter which is irrelevant to this appeal.

March 29, 2013

CARLOCK, COPELAND & STAIR, LLP

By:



PAUL E. SPERRY
State Bar No.: 68441

J. PATRICK NORRIS
State Bar No.: 78270

Attorneys for Respondent Brock Green Architects and
Planners, LLC

Lesco Restoration, Inc.,

Fourth-Party Plaintiff,

v.

Coastal Waterproofing, Inc. n/d/b/a Wards Fourth-Party Defendant.
Waterproofing, Inc.

**PROOF OF SERVICE OF THE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF
MATTERS TO BE INCLUDED IN THE RECORD ON APPEAL**

I hereby certify that on March 29, 2013, I served a copy of the within and foregoing **Initial Brief of Respondent and Designation of Matters to be Included in the Record on Appeal** upon all parties to this matter by depositing a true copy of same in the United States Mail, proper postage prepaid, addressed to counsel of record as follows:

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REPLY TO SC OFFICE

March 29, 2013

Ms. Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

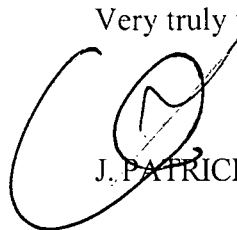
Re: 3 Chisolm Street Homeowners Association, Inc. v. Chisolm Street Partners, LLC
et al
Appellate Case No.: 2012-207850
CCS # 2254-40836

Dear Ms. Kitchings:

Enclosed for filing, please find an original and copy of Respondent Brock Green Architects & Planners, LLC's Initial Brief and Designation of Matters regarding the above-referenced matter. Please file the original and copy and return a file-stamped copy to this office in the enclosed, self-addressed, stamped envelope.

By copy of this letter, I am serving a copy of the enclosed to all counsel. Please let me know if you have any questions and/or require further information. Thank you for your assistance.

Very truly yours,



J. PATRICK NORRIS

JPN:are
Enclosures
cc: All Counsel of Record (w/ enc.)

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