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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2022-000938

Denise M. Petersen, individually and as Trustee of the Denise M. Petersen 2005 Revocable Trust Dated November 9, 2005, as Trustee of the 601 Ocean Boulevard Residence Trust Dated November 30, 2012, and as Trustee of the 601 Ocean Boulevard Residence Trust II Dated December 7, 2012, Respondent,

v.

DCTCL, L.P., d/b/a Buffington Homes, L.P., Donnix Construction, LLC, Hunt Brothers Construction, Inc., Island Exteriors and Siding, Inc., Plastering Surfaces, LLC, A Unique Design, Inc., Berkeley Heating and Air Conditioning, Inc., Energyone America, LLC, Aqua Blue Pools of Charleston, Inc., Sunnyside Farms, Inc., TAMKO Building Products, LLC, Haddigan Electrical Contractors, LLC, and John Doe Contractors 3 through 50, Defendants,

of which Donnix Construction is the Respondent and TAMKO Building Products, LLC is the Appellant.

**DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 209, SCACR, Respondent, Denise M. Petersen, individually and as Trustee of the Denise M. Petersen 2005 Revocable Trust Dated November 9, 2005, as Trustee of the 601 Ocean Boulevard Residence Trust Dated November 30, 2012, and as Trustee of the 601 Ocean Boulevard Residence Trust II Dated December 7, 2012, herein designates the following to be included in the Record on Appeal.

1. Order Denying Tamko Building Products, LLC's ("Tamko") Motion to Dismiss and Compel Arbitration, June 9, 2022;

2. Form 4 Order Denying Tamko's Motion to Dismiss and Compel Arbitration, June 9, 2022;
3. Form 4 Order Denying Tamko's Motion to Alter/Amend Order Denying Tamko's Motion to Dismiss and Compel Arbitration, June 29, 2022;
4. Third Amended Summons and Complaint, April 28, 2022;
5. Donnix Construction, LLC's ("Donnix") Answer to Third Amended Summons and Complaint and Cross-Claims against Tamko, May 10, 2022;
6. Tamko's Answer and Affirmative Defenses to Third Amended Complaint, June 23, 2022;
7. Tamko's Motion to Dismiss and Compel Arbitration, May 11, 2022 (with exhibits);
8. Donnix's Memorandum in Opposition to Tamko's Motion to Dismiss and Compel Arbitration, May 20, 2022;
9. Plaintiff's Memorandum in Opposition to Tamko's Motion to Dismiss and Compel Arbitration, May 31, 2022;
10. Tamko's Reply in Support of its Motion to Dismiss and Compel Arbitration, May 31, 2022;
11. Tamko's Motion to Alter/Amend Order Denying Tamko's Motion to Dismiss and Compel Arbitration, June 17, 2022 (with exhibits);
12. Affidavit of Denise M. Petersen, June 1, 2022 (with exhibit);
13. Tamko's Notice of Appeal, July 7, 2022;
14. Transcript of hearing, June 2, 2022, pp. 1-29.

The below-signed herein certifies that this designation contains no matter which is irrelevant to this appeal.

(signature page to follow)

THURMOND KIRCHNER & TIMBES, P.A.

s/Michael A. Timbes

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November 21, 2022