

RECEIVED

Dec 22 2022

SC Court of Appeals

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

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master in Equity

Case No. 2016-CP-10-1143
Appellate Case No. 2022-01224

Palmetto Construction Group, LLC Respondent

v.

Restoration Specialists, LLC, Reuben Appellants
Mark Ward, and Lynette Pennington Ward

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

Appellant proposes the following be included in the Record on
Appeal:

1. Order of April 20, 2016;
2. Order of July 14, 2016;
3. Order of October 28, 2016;
4. Order of November 10, 2016
5. Opinion No. 5661 of June 26, 2019;
6. Opinion No. 28010 of March 10, 2021;

7. Order of February 28, 2022;
8. Order (Form 4) of February 28, 2022 (Default Judgment);
9. Order (Form 4) of February 28, 2022 (Denying Motion to Exclude and Strike);
10. Order of August 1, 2022;
11. Summons and Complaint, with attached Exhibits;
12. Plaintiffs Motion to Stay and to Compel;
13. Motion to Refer to the Master in Equity and for Entry of Default;
14. Affidavits of Service of March 14, 2016;
15. Affidavit of Reuben Mark Ward of June 3, 2016 ("Ward Affidavit I");
16. Affidavit of Reuben Mark Ward of June 3, 2016 ("Ward Affidavit II");
17. Defendants' Notice of Motion and Motion for Continuance and Protection Pursuant to SCRCPP 6(d) and 40(i);
18. Defendants' Notice of Motion and Motion to Set Aside Entry of Default Pursuant to SCRCPP 55(c);
19. Defendants' Notice of Motion and Motion to Stay and to Compel Pursuant to SCRCPP I 2(b)(2) and Applicable Case Law;
20. Memorandum in Support of Defendants' Motion to Set Aside Entry of Default Pursuant to SCRCPP 55(c);
21. Defendants' Notice of Motion and Motion to Reconsider and to Alter or Amend Pursuant to SCRCPP 59(e) and Applicable Case Law;
22. Memorandum in Support of Defendants' Motion to Reconsider and to Alter or Amend Pursuant to SCRCPP 59(e) and Applicable Case Law;
23. Plaintiff's Opposition to Defendants' Motion to Reconsider Alter or Amend;
24. Reply to Plaintiff's Opposition to Defendants' Motion to Reconsider Alter or Amend;
25. Defendants' Notice of Motion and Motion to Dismiss Pursuant to SCRCPP 12(b)(1) of April 21, 2021;
26. Plaintiff's Memorandum in Opposition to Motion to Dismiss of January 27, 2022;
27. Defendants' Memorandum in Support of Motion to Dismiss of January 31, 2022;
28. Defendants' Motion to Exclude and Strike of February 22, 2022;
29. Plaintiff's Opposition to Motion to Strike or Exclude of February 23, 2022;
30. Defendants' Reply to Plaintiff's Opposition to Motion to Exclude and Strike;
31. Defendants' Motion to Reconsider and to Alter, Amend or Relieve Defendants from the Court's Order Denying Defendants' Motion to Dismiss and Entering Default Judgment of March 10, 2022;
32. Defendants' Motion to Alter or Amend the Court's Order Denying Defendants' Motion to Exclude and Strike of March 10, 2022;
33. Defendant's Memorandum in Support of Motion to Reconsider and to Alter, Amend or Relieve Defendants from the Court's Order Denying Defendants' Motion to Dismiss and Entering Default Judgment of March 13, 2022;
34. Notice of Appeal of September 30, 2016;

35. Notice of Appeal of November 14, 2016;
36. Petition for Writ of Certiorari of December 16, 2019;
37. Remittitur of April 20, 2021;
38. Notice of Appeal of August 31, 2022;
39. Transcript of Proceedings Held June 6, 2016;
40. Transcript of Proceedings Held July 14, 2016;
41. Transcript of Proceedings Held October 4, 2016;
42. Transcript of Proceedings Held January 31, 2022;
43. Indemnity Agreement of December 19, 2011;
44. Notice of Hearing of June 1, 2016;
45. Emails Received by the Court on July 22, 2016;
46. Charleston County Roster Details – Master’s Docket for October 11, 2016;
47. Articles of Termination of March 22, 2019;
48. Plaintiff’s (First) Filing of Trial Exhibits of February 1, 2022;
49. Plaintiff’s (Second) Filing of Trial Exhibits of February 1, 2022;
50. Attorney Ariail Letter to Judge Scarborough of September 7, 2016;
51. Judge Scarborough Email to All Counsel of September 12, 2016;
52. Emails with Cover Letter Received by the Court on September 22, 2016;
53. Attorney Ariail Letter to Judge Scarborough of February 22, 2022;

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

December 22, 2022

s/ A. Bright Ariail
A. Bright Ariail
SC Bar No. 0069570
Law Office of A. Bright Ariail, LLC
125 Wappoo Creek Drive
Building E – Suite 202
Charleston, SC 29412
843/814-8805

RECEIVED

Dec 22 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master in Equity

Appellate Case No. 2016-002096

Palmetto Construction Group, Respondent

v.

Restoration Specialists, LLC, Appellants
Reuben Mark Ward, and
Lynnette Pennington Ward

PROOF OF SERVICE

The undersigned hereby certifies that on the 22nd day of December 2022, I served the Initial Brief of Appellants and Appellants' Designation of Matter to be Included in the Record on Appeal on the above-named Respondent via email to its respective counsels of record, containing the above referenced documents as attachments in .pdf format, sent to the addresses shown below:

Jann G. Rannik
Epting & Rannik, LLC
46A State Street
Charleston, South Carolina 29401
jgr@epting-law.com

Michelle N. Endemann
497 St. Andrews Blvd.
Charleston, SC 29407
mendemann@clarksonwalsh.com

December 22, 2022

s/A. Bright Ariail
A. Bright Ariail
SC License #69570
Law Office of A. Bright Ariail, LLC
125E Wappoo Creek Drive, Suite 202
Charleston, SC 29412
843/814-8805
Attorney for Appellants

Law Office of A. Bright Ariail, LLC

December 21, 2022

RECEIVED

Dec 22 2022

SC Court of Appeals

VIA EMAIL

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

RE: Palmetto Construction Group v. Restoration Specialists, LLC *et al.*
Appellate Case No. 2022-001224

Dear Ms. Kitchings;

Enclosed, please find for filing, on behalf of Appellants Restoration Specialists, LLC, Reuben Mark Ward and Lynnette Pennington Ward, the following documents in the above captioned appeal:

1. Initial Brief of Appellants;
2. Appellants' Designation of Matter to be Included in the Record on Appeal; and
3. Proof of service of the Initial Brief of Appellants and Appellants' Designation of Matter to be Included in the Record on Appeal.

By copy of this letter, I am serving counsel for Respondents with same.

With kindest regards, I am

Sincerely yours,

s/A. Bright Ariail
A. Bright Ariail

Enclosures

cc: Jann Rennik, Esquire (via email only)
Michelle Endemann, Esquire (via email only)