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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Case No. 2018-CP-07-00911
Appellant Case No. 2022-000016

Richard W. and Rebecca A. Dreier; Yolanda J. Dreier; Jacob R. and Carla Emerson; John B. and Lori Anne Gecy; Aaron M. and Stasha R. Grooms; AvaRae Hall; Michael B. and Cheyenne M. Johnson; Kenny Manuel Lopez and Kelsey Trudel Lopez; Dylan C. and Samantha Dawn Machado; Marvin K. and Maryalice Mamaril; Thomas R. and Melissa S. McFeely; Michael and Karen M. Rodriguez; Sarmed and Jessica M. Shafi; James J. Smith, III and Alayshia Smith and Nichole J. Verstegen; Plaintiffs,

v.

Advanced Flooring & Design Division of ISI, LLC f/k/a Advanced Flooring and Design, LLC; Americo Roofing Concepts, Inc.; Archer Exteriors, Inc.; Armor Building Solutions, LLC; Builders FirstSource-Southeast Group, LLC; Crossroads Enterprises, LLC; D.R. Horton, Inc.; Dean Custom Air, LLC; East Coast Construction Cleanup Corp. f/k/a S.C. Cleanup Co., Inc.; Freedom Homes, Inc. f/k/a Armor Building Solutions, Inc.; Hutton's Landscapes, Inc.; Lather Construction SC, Inc.; Lather Construction, Inc.; Masco Cabinetry, LLC; ProBuild East, LLC; Professional Drywall & Paint Services, LLC; Professional Exteriors, II, LLC; Quality Electric of the Coastal Carolinas Incorporated; Superior Association Services, LLC; and Valim Construction, LLC, Defendants,

Of Whom Sarmed and Jessica M. Shafi, Lather Construction, Inc., Lather Construction SC, Inc., Hutton's Landscapes, Inc., and East Coast Construction Cleanup Corp. f/k/a S.C. Cleanup Co., Inc. are the Respondents,

And

D.R. Horton, Inc. is the Appellant.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant proposes that the material described in the attached Exhibit A be included in the Record on Appeal.

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

January 3, 2023.

Respectfully,

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EXHIBIT A
PROPOSED DESIGNATION OF RECORD ON APPEAL

1. Transcript of Pretrial Hearings before Hon. H. Steven DeBerry on October 29, 2021 (pp. 1:1—51:4 and 55:5—8).
2. Judge DeBerry's Order on November 12, 2021, denying Lather's Motion for Summary Judgment on D. R. Horton's Cross-claims.
3. Judge DeBerry's Order on November 12, 2021, denying Hutton's Motion for Summary Judgment on D. R. Horton's Cross-claims.

Transcript of Jury Trial, Hon. Bentley Price presiding, Tr. 5:1--15; 23:1--8; 33:23--35:10; 91: 10-99:22; 135:3--23; 488:21—489:4; 653:23—654:22. Also, because Volume II of the transcript was corrected and supplemented by the court reporter on December 23, 2022, the following: Tr. V. II Rev. 8:11-54:24; 109:10 – 110:24. To the extent the older version of the revised transcript is used, 178:1--205:17; 260:3—261:17.

4. South Carolina Independent Contractor Agreement between East Coast and Horton dated November 30, 2012.
5. South Carolina Independent Contractor Agreement between Hutton's and Horton dated May 16, 2014.
6. South Carolina Independent Contractor Agreement between Lather and Horton dated December 2, 2013.
7. Contract Documents and Specifications for Tidewater Creek dated June 30, 2014.
8. Affidavit of Ronald Bunner.
9. Second Amended Complaint, dated November 20, 2019.
10. Second Amended Answer to the Plaintiffs' Second Amended Complaint and Cross-claims on Behalf of D. R. Horton, Inc., dated August 23, 2021.
11. Lather Construction, Inc. and Lather Construction, SC, Inc.'s Answer to D. R. Horton, Inc.'s Second Amended Cross-claims As Asserted in its Second Amended Answer to Plaintiffs' Second Amended Complaint, dated August 27, 2021.
12. Hutton's Landscapes, Inc.'s Answer to D. R. Horton, Inc.'s Second Amended Answer to Plaintiffs' Second Amended Complaint and Cross-claims, dated August 31, 2022.

13. Defendant East Coast Construction Cleanup Corporation F/K/A S. C. Cleanup Co., Inc.'s Answer to Defendant D. R. Horton's Cross-claims Asserted in Its Second Amended Answer to Plaintiff's Second Amended Complaint, dated September 22, 2021.
14. Defendant Lather Construction SC, Inc.'s Motion for Summary Judgment as to Claims of Plaintiffs and D. R. Horton, Inc. [excluding Exhibit A Certificates of Occupancy and Exhibit B Plaintiffs' Second Amended Complaint], dated August 12, 2021.
15. Defendant Lather Construction, Inc. and Lather Construction SC, Inc.'s Motion for Summary Judgment as to Claims of D. R. Horton, Inc., dated October 8, 2021.
16. Hutton's Landscapes Inc.'s Motion for Summary Judgment on the Cross-claims of D. R. Horton, Inc., dated October 19, 2021.
17. Notice of Motion and Motion for Summary Judgment as to the Cross-claims of D. R. Horton, by East Coast and dated November 10, 2021.
18. Defendants Lather Construction, Inc. and Lather Construction SC, Inc.'s Memorandum in Support of its Motion for Summary Judgment as to Claims of D. R. Horton, Inc., dated October 19, 2021.
19. Hutton's Landscapes, Inc.'s Memorandum of Law in Support of Its Motion for Summary Judgment on the Cross-claims of D. R. Horton, Inc., dated October 26, 2021.
20. East Coast Construction Cleanup Corp. F/K/A S. C. Cleanup Co., Inc.'s Memorandum in Support of its Motion for Summary Judgment Against D. R. Horton, Inc.'s Cross-claims, dated November 12, 2021.
21. D. R. Horton's Memorandum In Opposition to Lather Construction, Inc.'s Motion for Summary Judgment, dated October 28, 2021.
22. D. R. Horton's Memorandum in Opposition to Hutton's Landscapes, Inc.'s Motion for Summary Judgment, dated October 28, 2021.
23. D. R. Horton's Memorandum in Opposition to East Coast Construction Cleanup Corporation's Motion for Summary Judgment, dated November 12, 2021.
24. D. R. Horton's Motion to Alter or Amend Judgment, filed November 24, 2021.
25. Judge Price's Order denying D. R. Horton's Motion to Alter or Amend Judgment, filed December 3, 2021.
26. Judge Price's verbal order granting respondents summary judgment motions, issued November 16, 2021, Tr. V II Rev. 52:16-23.

27. D.R. Horton's Motion for Judgment Notwithstanding the Verdict Or In The Alternative, For A New Trial Absolute, Or In The Alternative, For A New Trial Nisi Remittitur, dated November 21, 2021.
28. Judge Price's Order denying D. R. Horton's Motion for Judgment Notwithstanding the Notwithstanding the Verdict Or In The Alternative, For A New Trial Absolute, Or In The Alternative, For A New Trial Nisi Remittitur, filed December 3, 2021.

[NOTE: Except as otherwise shown or to avoid duplication, all exhibits to all motions and memoranda will be included.]