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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
Appellate Case No.: 2022-000016

Richard W. and Rebecca A. Drier; Sarmed and Jessica M. Shafi; *et al.*,

Plaintiffs,

v.

Advanced Flooring & Design Division of ISI, LLC f/k/a Advanced Flooring and Design;
LLC, D.R. Horton, Inc.; East Coast Construction Cleanup Corp. f/k/a S. C. Cleanup Co.,
Inc.; Hutton's Landscapes, Inc.; Lather Construction SC, Inc.; Lather Construction, Inc.; *et al.*,

Defendants,

And

D. R. Horton, Inc.,

Appellant,

v.

Sarmed and Jessica M. Shafi, East Coast Construction Cleanup Corp. f/k/a S. C. Cleanup Co., Inc.;
Hutton's Landscapes, Inc., and Lather Construction, Inc.,

Respondents.

**DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD
ON APPEAL BY RESPONDENT
LATHER CONSTRUCTION, INC.**

Respondent Lather Construction, Inc. proposes the material in the attached Exhibit A be included in the Record on Appeal.

The undersigned hereby certifies this Designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,

ROSS & CRISTALDI, LLC

s/ Brenten H. DeShields

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***Attorneys for Respondent Lather Construction, Inc.,
and Lather Construction SC, Inc.***

Mt. Pleasant, South Carolina

March 3, 2023

EXHIBIT A
PROPOSED DESIGNATION OF RECORD ON APPEAL

1. South Carolina Independent Contractor Agreement between Lather Construction, Inc. and Horton dated December 2, 2013.
2. Horton Purchase Orders submitted to Lather.
3. Lather Motion for Summary Judgment as to Horton's Crossclaims (excluding Exhibit A Certificates of Occupancy and Exhibit B Plaintiffs' Second Amended Complaint).
4. Lather Memorandum in Support of its Motion for Summary Judgment.
5. Hutton's Landscapes, Inc. Motion for Summary Judgment as to Horton's Crossclaims.
6. Hutton's Landscapes, Inc. Memorandum in Support of its Motion for Summary Judgment.
7. Judge DeBerry's Order on November 12, 2021, denying Lather's Motion for Summary Judgment on Horton's Cross-claims.
8. Stipulation of Dismissal as to Lather Construction SC, Inc.
9. Horton Motion to Alter or Amend Judgment, filed November 24, 2021.
10. Judge Price's Order denying Horton's Motion to Alter or Amended Judgment, filed December 2021.
11. Transcript of Jury Trial, Hon. Bentley Price presiding, T. V. II Rev. 6-54, 109-110; Tr. V. III 268; Tr. V. IV 488-489; Tr. V. V 654.