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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 for the Ninth Circuit

Mikell R. Scarborough, Master-In-Equity

2016-CP-10-1143
Appellate Case No.: 2022-001224

Palmetto Construction Group, LLC.....Respondent,

v.

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

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

Respondents assert the following documents should be included in the Record on Appeal:

1. Summons and Complaint, *with all supporting exhibits*, dated February 12, 2016;
2. Affidavits of Service dated March 14, 2016;
3. Affidavit of Service of Notice of Damages Hearing dated June 2, 2016;
4. Order for Default and Reference to Master [Hon. Roger M. Young, Sr.] dated April 20, 2016;
5. Defendants' Motion for Continuance, *with all supporting exhibits*, dated June 3, 2016;
6. Defendants' Motion to Set Aside Default, *with all supporting exhibits*, dated June 3, 2016;

7. Defendants' Notice of Motion and Motion to Stay and to Compel Arbitration, *with all supporting exhibits*, dated July 11, 2016;
8. Order Denying Motion to be Relieved from Default and Setting Damages Hearing [Hon. Mikell R. Scarborough] filed July 20, 2016;
9. June 14, 2016 Hearing Transcript [Hon. Mikell R. Scarborough];
10. June 6, 2016 Hearing Transcripts [Hon. Mikell R. Scarborough];
11. Defendants' Notice of Motion and Motion to Reconsider and to Alter, Amend or Relieve Defendants from the Court's Order Denying Defendants' Motion to Dismiss and Entering Default Judgment, *with all supporting exhibits*, dated March 10, 2022;
12. Order [Hon. Mikell R. Scarborough] filed Nov. 2, 2016;
13. Notice of Appeal dated September 29, 2016;
14. Notice of Appeal dated November 14, 2016;
15. S.C. Court of Appeals Order Dismiss Appeal [App. No. 2016-002096] dated November 10, 2016;
16. S.C. Court of Appeals Opinion No. 5661 [App. No. 2016-002308] dated June 26, 2019;
17. S.C. Court of Appeals Order Denying Petition for Rehearing [App. No. 2016-002308] dated November 15, 2019;
18. S.C. Supreme Court Opinion No. 28010 [App. No. 2019-002052] dated March 10, 2021;
19. S.C. Supreme Court Order Denying Petition for Rehearing [App. No. 2019-002052] dated April 20, 2021;
20. Remittitur [App. No. 2019-002052] dated April 20, 2021;
21. Defendants' Motion to Dismiss, *with all supporting exhibits*, dated April 21, 2021;
22. Order Denying Defendants' Motion to Dismiss and Entering Default Judgment [Hon. Mikell R. Scarborough] dated February 28, 2022;
23. Form 4 Default Judgment [Hon. Mikell R. Scarborough] filed February 28, 2022;

24. Defendants' Notice of Motion and Motion to Exclude and Strike, *with all supporting exhibits*, filed February 22, 2022;
25. Form 4 Order Denying Defendants' Motion to Exclude [Hon. Mikell R. Scarborough] filed February 28, 2022;
26. VA Contract;
27. Teaming Agreement;
28. Subcontract;
29. PCG Subcontract Breakdown;
30. Payment Bond;
31. Indemnity Agreement;
32. PCG letter;
33. Hanover demand letter dated September 30, 2016;
34. Hannover demand letter dated January 24, 2022;
35. Final pay application;
36. January 31, 2022 Hearing Transcript (Damages Hrg.) [Hon. Mikell R. Scarborough];
37. Form 4 Order [Hon. Mikell R. Scarborough] filed November 2, 2016;
38. Form 4 Order Denying Defendants' Motions for Reconsideration [Hon. Mikell R. Scarborough] filed August 1, 2022;
39. S.C. Supreme Court Opinion No. 28010 (App. No. 2019-002052) dated Mar. 10, 2021;
40. Affidavit of Reuben Mark Ward dated June 3, 2016;
41. Exhibits to Damages Hearing;
42. S.C. Secretary of State Articles of Termination;
43. Affidavit of Jerry S. Handegan;

44. Affidavit of Joann Eaddy;
45. S.C. Secretary of State Business Entity Good Standing Status for Palmetto Construction Group of SC, LLC;
46. S.C. Secretary of State Articles of Correction.

I certify this designation contains no matter irrelevant to this appeal.

Respectfully submitted:

EPTING & RANNIK, LLC

This 24th day of March 2023
Charleston, South Carolina

/s/ Jaan Rannik
Jaan G. Rannik
46A State Street
Charleston, SC 29401
Phone: 843-377-1871
Fax: 843-377-1310
jgr@epting-law.com

ATTORNEY FOR PLAINTIFFS/APPELLANTS