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**Jun 27 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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APPEAL FROM HORRY COUNTY

Court of Common Pleas

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The Honorable Kristi F. Curtis

Case No.: 2022-CP-26-06116

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Appellate Case No. 2024-000171

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Flatiron Constructors, Inc.

Appellant,

v.

TranSystems Corporation

Respondent.

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

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Pursuant to Rule 208, SCACR, TranSystems Corporation (“Respondent”) proposes the following be included in the Record on Appeal:

1. Initial Summons and Complaint, filed April 26, 2018.
2. Amended Complaint, filed May 10, 2018;
3. Affidavit of Kenneth J. O’Connell, P.E., filed August 16, 2018;
4. Joint Motion to Stay Proceedings Pending Agency Review, filed September 7, 2018;
5. Order Staying Proceedings Pending Agency Review, issued December 04, 2018;
6. Joint Motion to Extend Stay of Proceedings Pending Agency Review, filed November 22, 2019;

7. Order Extending Stay of Proceedings Pending Agency Review, issued November 26, 2019;
8. Defendant TranSystems Corporation's Answer to Plaintiff's Amended Complaint, filed November 13, 2020;
9. Defendant's Motion to Stay Proceedings Pending Final Determination of Construction Contract Obligations and Motion for Protective Order, filed November 19, 2020, including Exhibit A;
10. Plaintiff's Objection to Defendant's Motion to Stay Proceedings Pending Final Determination of Construction Contract Obligations and Motion for Protective Order, filed December 16, 2020;
11. Plaintiff's Motion to Compel Defendant's Response to Plaintiff's First Requests for Production, filed January 11, 2021, including Exhibit A;
12. Brief in Support of Defendant's Motion to Stay Proceedings Pending Final Determination of Construction Contract Obligations and Motion for Protective Order, filed March 5, 2021, including Exhibits A and B;
13. Plaintiff's Opposition to Defendant's Motion to Stay and Motion for Protective Order, filed March 5, 2021, including Exhibits 1-4;
14. Form 4 Order Granting Flatiron's Motion to Compel, issued April 9, 2021;
15. Order Denying Defendant's Motion to Stay and for a Protective Order, issued April 14, 2021;
16. Joint Motion for Order Designating Case as Complex, issued October 4, 2021, including Exhibit 1;
17. Order Denying Continuance of Trial Date, issued October 6, 2021;
18. Joint Motion to Strike from Docket Pursuant to S.C. R. Civ. P. 40(j), filed October 07, 2021;
19. Consent Order Striking Case from Active Docket Pursuant to Rule 40(j), issued October 11, 2021;
20. Plaintiff's Motion to Restore Case to Docket Pursuant to S.C. R. Civ. P. 40(j), filed September 22, 2022;
21. Order Restoring Case to Docket Pursuant to SCRCP 40(j), issued September 27, 2022;
22. Defendant's Motion for Summary Judgment, filed April 4, 2023;
23. Brief in Support of Defendant's Motion for Summary Judgment, filed April 4, 2023, including Exhibits A-H;

24. Hearing Notice from Horry County Clerk of Court, dated July 7, 2023;
25. Plaintiff's Opposition to Defendant's Motion for Summary Judgment, filed July 28, 2023, including Exhibits A and B;
26. Reply Brief in Support of Defendant's Motion for Summary Judgment, filed August 2, 2023, including Exhibits 1-5;
27. Transcript of Record of Hearing on August 7, 2023;
28. Notice of Change in Law for Defendant's Motion for Summary Judgment, filed August 30, 2023;
29. Plaintiff's Response to Defendant's Notice to Change in Law, filed September 5, 2023;
30. Defendant's Motion for Extension to Respond to Plaintiff's Interrogatories, filed on October 4, 2023;
31. Joint Motion to Establish Complex Case Designation and Time for Trial, filed October 18, 2023;
32. Form 4 Order Denying in Part and Granting in Part TranSystems' Motion for Summary Judgment, issued November 22, 2023;
33. Plaintiff's Motion to Reconsider, filed December 1, 2023;
34. Memorandum in Support of Plaintiff's Motion for Reconsideration, filed on December 1, 2023, including Exhibits A-J;
35. Defendant's Motion to Strike Plaintiff's Motion to Reconsider, filed on December 07, 2023, including Exhibits 1 and 2;
36. Plaintiff's Opposition to Defendant's Motion to Strike Plaintiff's Motion to Reconsider, filed on December 12, 2023, including Exhibits A-F;
37. Order Granting in Part TranSystems's Motion for Summary Judgment, issued December 27, 2023;
38. Order Denying Flatiron's Motion for Reconsideration, issued December 27, 2023;

Certificate of Counsel

Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that this designation contains no matter which is irrelevant to the Appeal.

June 27, 2024



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