

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable William H. Seals, Jr., Circuit Court Judge

Case No. 2023-CP-26-00053

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SC Court of Appeals

Paint Design, LLC,Appellant,

v.

Westgate Myrtle Beach, LLC a/k/a Westgate Resorts, Ltd.
and RNR Construction, LLC,Respondents.

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

Appellant, Paint Design, LLC, proposes the following be included in the Record on Appeal:

1. Order Form 4 Denying Appellant Paint Design LLC’s Motion to Reconsider, filed January 3, 2024;
2. Order Form 4 Granting Respondent’s Motion to Dismiss, filed May 10, 2023;
3. Proposed Order Granting Westgate Myrtle Beach, LLC a/k/a Westgate Resorts, LTD’s Motion to Dismiss filed on June 8, 2023;
4. Order Form 4 stating Judge Seals denied Appellant Paint Design, LLC’s Motion to Reconsider Pursuant to Rule 59€, SCRCF filed on July 18, 2023;
5. Order Form 4 Denying Appellant Paint Design’s Motion to Amend its Complaint and Granting Respondent’s Motion for Attorney Fees, filed August 15, 2023;
6. Order Denying Appellant Paint Design, LLC’s Notice of Motion and Motion to Amend its Amended Complaint filed on September 27, 2023;
7. Summons and Verified Complaint of Appellant Paint Design, LLC Against Respondents Westgate Myrtle Beach, LLC a/k/a Westgate Resorts, LTD and RNR Construction, LLC, filed January 5, 2023;

8. Amended Summons and Verified Complaint with supporting documents, filed on March 3, 2023;
9. Appellant's Exhibit A, Subcontract, filed on March 3, 2023;
10. Appellant's Exhibit B, Notice Addressed to Sherine Marder, filed on March 3, 2023;
11. Appellant's Exhibit C, Notice and Certification of Mechanic's Lien with supporting documents, filed on March 3, 2023;
12. Appellant's Exhibit E, Letter Addressed to Theodore Vitale Regarding Notice of Mechanic's Lien; Notice of Default and Demand to Cure with supporting documents and supporting documentation, filed on March 3, 2023;
13. Transcript of Proceedings dated August 14, 2023, pp 3-19;
14. Respondent Westgate Myrtle Beach, LLC a/k/a Westgate Resorts, LTD Motion to Dismiss Amended Complaint, filed March 6, 2023;
15. Appellant Paint Design, LLC's Motion to Amend its Amended Complaint, filed May 22, 2023, including Proposed Second Amended Complaint Attached as Exhibit A;
16. Appellant Paint Design, LLC's Motion to Reconsider, filed June 16, 2023;
17. Respondent Westgate's Memorandum in Opposition to Motion to Amend, filed June 30, 2023;
18. Appellant Paint Design's Memorandum in Support of Motion to Amend Complaint, filed August 11, 2023;
19. Appellant Paint Design's Motion to Reconsider, filed August 24, 2023;
20. Respondent Westgate's Memorandum in Opposition to Motion to Reconsider, filed August 30, 2023;
21. Appellant Paint Design's Response to Westgate's Memorandum in Opposition, filed September 7, 2023;
22. Appellant Paint Design's Motion to Reconsider, filed October 5, 2023;
23. Respondent Westgate's Memorandum in Opposition, filed October 16, 2023; and
24. Appellant Paint Design's Response to Memorandum in Opposition to Motion to Reconsider, filed October 27, 2023.

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

Respectfully Submitted,

BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P.A.

/s/ Howell V. Bellamy, III

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Attorney for Appellant

Myrtle Beach, South Carolina

Date: July 5, 2024

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++ CERTIFIED ARBITRATOR



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July 5, 2024

VIA OVERNIGHT FEDERAL EXPRESS DELIVERY

Jenny A. Kitchings
Clerk of South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: **PROOF OF SERVICE**
Paint Design v. Westgate Myrtle Beach, LLC et al.
Case No.: 2023-CP-26-00053

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SC Court of Appeals

Dear Ms. Kitchings:

Enclosed please find the Appellant's Initial Brief and Designation of Matter for filing in the above-referenced matter. By copy of this letter to all counsel of record, we are also serving them with copies of the same.

Should you have any questions or require any additional information, please do not hesitate to contact our office.

With kindest regards, I am

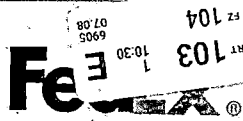
**BELLAMY, RUTENBERG, COPELAND
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s/ Howell V. Bellamy, III

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HVBiii/tba
Enclosures
cc: Don R. Terry

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