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**Jul 23 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

William H. Seals, Jr., Circuit Court Judge

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Appellate Case No. 2024-000772

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Waterfall Investment and Construction Group, LLC, ..... *Appellant,*

v.

A&E Construction & Maintenance, LLC, Jeronimo Ponce d/b/a JP & Sons Builders, Creative  
Drafting and Designs, Defendants,

of which Jeronimo Ponce d/b/a JP & Sons Builders is the .....*Respondent.*

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

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Appellant proposes the following documents to be included in the Record on Appeal:

1. Answer, Counterclaims, and Third-Party Complaint of Defendants James Daniel Smith, Jr. and Frances Smith, dated and filed September 9, 2019;
2. Waterfall Investment and Construction Group, LLC’s Reply to Defendants’ Counterclaims and Third-Party Complaint, dated and filed October 24, 2019;
3. Settlement Agreement and Release, dated December 29, 2022 (also attached as Exhibit A to Defendant Jeronimo Ponce d/b/a JP & Sons Builders Motion for Summary Judgment, dated August 4, 2023 and filed August 6, 2023);
4. Plaintiff’s Motion Seeking to Substitute Counsel, For Leave to File an Amended Complaint in Order to Realign the Remaining Parties & Claims After a Mediated Settlement; and for a Revised Scheduling Order, filed January 22, 2023;
5. Order Granting Plaintiff’s Substitution of Counsel and Leave to Amend Complaint in Order to Realign the Remaining Parties & Claims After a Mediated Settlement; and for a Revised Scheduling Order, dated July 3, 2023 and filed July 5, 2023;

6. Defendant Jeronimo Ponce d/b/a JP & Sons Builders Motion for Summary Judgment with attached Exhibit A, dated August 4, 2023 and filed August 6, 2023;
7. Waterfall Investment and Construction Group, LLC's Amended Complaint to Realign the Parties and Claims Remaining After a Mediated Settlement, dated August 19, 2023 and filed August 21, 2023;
8. Plaintiff's Memorandum in Opposition to Defendant Jeronimo Ponce d/b/a JP & Sons Builders' Motion for Summary Judgment, filed March 11, 2024;
9. Affidavit of David A. Brown in Opposition to Defendant Jeronimo Ponce d/b/a JP & Sons Builders Motion for Summary Judgment, dated and filed March 7, 2024;
10. Order Granting Summary Judgment to Jeronimo Ponce d/b/a JP & Sons Builders (also attached as Exhibit A to *Notice of Appeal*), filed April 17, 2024;
11. Notice of Appeal with Exhibit A, dated May 7, 2024 and filed with the Court of Appeals on May 9, 2024; and
12. Transcript of Record, March 11, 2024, pp. 1–2, 7–11, 13, 15, and 23.

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

Respectfully submitted,

**WRIGHT, WORLEY, POPE,  
EKSTER & MOSS, PLLC**  
*Attorneys for the Appellant*

  
s/ Kenneth R. Moss

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North Myrtle Beach, SC

July 23, 2024