

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

AUG 27 2013

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APPEAL FROM OCONEE COUNTY  
Court of Common Pleas

**SC Court of Appeals**

The Honorable R. Lawton McIntosh, Circuit Court Judge  
The Honorable Alexander S. Macaulay, Circuit Court Judge and Trial Judge

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Case No.: 2005-CP-37-00788  
Appellate Case No.: 2011-202946

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Tri-County Development, et. al.  
Jeff Gray and Melinda Holbrooks..... Respondents,

v.

Christopher A. Pierce..... Appellant.

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

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Respondent proposes the following be included in the Record on Appeal:

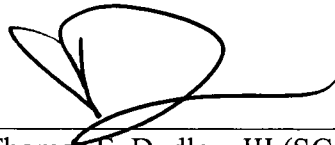
- 1) Mechanic's Lien of Respondent, filed September 26, 2005;
- 2) Complaint of Respondent, with Exhibits, filed September 26, 2005;
- 3) Third-Party Complaint, filed November 29, 2005;
- 4) Order of the Honorable Alexander S. Macaulay, entering default against Jeff Gray, filed September 26, 2006;
- 5) Order of the Honorable J. Cordell Maddox, Jr., denying Jeff Gray's Motion to Set Aside Entry of Default, filed August 4, 2008;

- 6) Order of the Honorable Macaulay, vacating Entry of Default Judgment, filed May 5, 2009;
- 7) Amended Order of the Honorable Macaulay, vacating Entry of Default Judgment, filed May 29, 2009;
- 8) Order of the S.C. Court of Appeals, dismissing appeal, dated July 8, 2009;
- 9) Order Denying Pierce's Request to Quash Subpoena, Granting Plaintiffs' Request to Quash Subpoena and Denying Pierce's Rule to Show Cause, filed October 14, 2009;
- 10) Order Denying Pierce's Motion to Alter or Amend, filed November 6, 2009;
- 11) Order Granting Plaintiffs' Motion for Summary Judgment as to Liability, Denying Pierce's Motion for Relief from Judgment, Motion for Summary Judgment, and Motion to Dissolve Mechanic's Lien, filed August 31, 2011;
- 12) Order Denying Request for Continuance, filed November 17, 2011;
- 13) Form 4 Order Entering Judgment on Verdict, filed November 30, 2011;
- 14) Form 4 Order Denying Defendant's Motion to Reconsider Granting of Summary Judgment, filed December 6, 2011;
- 15) Excerpts from Trial Transcript dated November 28-29, 2011, pgs. 50-52, 69, 127-128, 132, 135-139, 157, 168, 169, 172;
- 16) November 28-29, 2011 Trial Exhibits 1, 2, 8, 9, 16;
- 17) Trial Transcript dated April 6, 2009
- 18) Trial Transcript dated September 8, 2009
- 19) Excerpts from Trial Transcript dated November 1, 2010, pgs. 6, 7, 30;
- 20) Relevant excerpts of the transcripts of depositions of Melinda Holbrooks, Jeff Gray (both depositions), and Chris Pierce;
- 21) Contract for Construction of home;
- 22) All Pleadings and Motions in the case by all parties;

- 23) Letter of the Honorable R. Lawton McIntosh to parties, dated December 21, 2010;
- 24) Affidavit of Jeff Gray in support of his Motion to Set Aside the entry of default;
- 25) Appellant's Initial Brief

Pursuant to Rule 209(c), SCACR, I certify that this designation contains no matter which is irrelevant to this appeal.

August 23, 2013



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Thomas E. Dudley, III (SC Bar # 66154)  
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Attorney for Respondent

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Tri-County Development, et. al.  
Jeff Gray and Melinda Holbrooks..... Respondents,


v.

Christopher A. Pierce..... Appellant.

**PROOF OF SERVICE**

The undersigned hereby certifies that a true copy of the Initial Brief of Respondents and Designation of Matter in the above-referenced case has been served on all parties of record by mailing a copy of same in the United States mail, postage prepaid this 23<sup>rd</sup> day of August, 2013, addressed as follows:

T. Jeff Goodwyn, Jr. Esquire  
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Attorney for Appellant

  
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August 23, 2013

Hon. Jenny Abbott Kitchings  
Clerk of Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**Re:      *Tri-County Development, et. al, Jeff Gray and Melinda Holbrooks***  
***Appeal from Oconee County***  
***Case No.: 2005-CP-37-00788***  
***Appellate Case No.: 2011-202946***

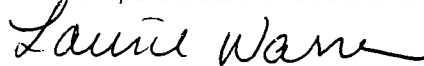
To Whom It May Concern:

Please find enclosed the original and one (1) copy of Respondents Initial Brief and Respondents Designation of Matter to be Included in the Record on Appeal, with Proof of Service in the above referenced matter. By copy of this letter, we are serving one copy of each upon all counsel of record.

Thank you for your assistance in this matter and please do not hesitate to contact our office if you have any questions.

Very truly yours,

KENISON, DUDLEY & CRAWFORD, LLC



Laurie Warren  
Legal Assistant

Enclosures

cc: T. Jeff Goodwyn, Jr. Esquire  
Jeff Gray

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SC Court of Appeals

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