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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Case No.: 2019-CP-07-02629
Appellate Case No.: 2022-000469

Margaret A. Eberly and Barbara J. Pavelik,

Plaintiffs,

v.

Advanced Flooring & Design Division of ISI, LLC; Archer Exteriors, Inc.; Crossroads Enterprises, LLC; D.R. Horton, Inc.; East Coast Construction Cleanup Corp.; Hutton's Landscapes, Inc.; Lather Construction SC, Inc.; Lather Construction, Inc.; Professional Drywall & Paint Services, LLC; Professional Exteriors II, LLC; and Valim Construction, LLC,

Defendants,

And

D. R. Horton, Inc.,

Appellant,

v.

Hutton's Landscapes, Inc., Lather Construction SC, Inc., and Lather Construction, Inc.,

Respondents.

**DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD
ON APPEAL BY RESPONDENT
LATHER CONSTRUCTION, INC.**

Respondents Lather Construction SC, Inc. and Lather Construction, Inc. propose the material in the attached Exhibit A be included in the Record on Appeal.

The undersigned hereby certifies this Designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,

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Mt. Pleasant, South Carolina
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EXHIBIT A
PROPOSED DESIGNATION OF RECORD ON APPEAL

1. Form 4 Order filed March 11, 2022.
2. D.R. Horton, Inc.'s Motion to Alter or Amend Judgment, filed March 18, 2022.
3. Order Denying D.R. Horton's Motion to Alter or Amend Judgment, filed March 24, 2022.
4. Defendant D. R. Horton, Inc.'s Answer to Plaintiffs' Amended Complaint and Further Asserting Its Crossclaims Against Co-Defendants, filed November 9, 2020.
5. Defendant Lather Construction, Inc. and Lather Construction, SC, Inc.'s Answer to Amended Complaint, filed March 9, 2020.
6. Hutton's Landscape's, Inc.'s Motion for Summary Judgment on the Cross-Claims of D.R. Horton, Inc., filed December 9, 2021.
7. Defendant Lather Construction, Inc. and Lather Construction, SC, Inc.'s Joinder in Hutton's Landscapes, Inc.'s Motion for Summary Judgment, filed January 3, 2022.
8. Defendant Lather Construction, Inc. and Lather Construction, SC, Inc.'s Memorandum in Support of Hutton's Landscapes, Inc.'s Motion for Summary Judgment, filed February 28, 2022.
9. D.R. Horton Bench Memo, filed March 3, 2022.
10. Transcript, March 3, 2022, Hearing on Defendants Lather Construction, Inc., Lather Construction SC, Inc., and Hutton' Landscape's, Inc.'s Motion for Summary Judgment.
11. Defendant Lather Construction, Inc. and Lather Construction SC, Inc.'s contract with D.R. Horton.
12. *Richard W. and Rebecca A. Dreier, et al v. Advanced Flooring & Design et al including D. R. Horton, Inc.*, 2018-CP-07-00911, now on appeal in the Court of Appeals as App. Case No. 2022-000016.
 - A. Transcript of Jury Trial, Hon. Bentley Price presiding, T. V. II Rev. 6–54, 109–110; Tr. V. III 268; Tr. V. IV 488–489; Tr. V. V 654.
 - B. Deposition Transcript of Jared O'Sako, October 7, 2021.