

RECEIVED

Sep 20 2024

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS
THE HONORABLE BENTLEY D. PRICE
CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2022-000469
CASE NO. 2019-CP-07-02629

Margaret A. Eberly and Barbara J. Pavelik,

PLAINTIFFS,

versus

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,

Of whom

D.R. Horton, Inc. is

APPELLANT,

versus

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

RESPONDENTS.

**RESPONDENT HUTTON'S LANDSCAPES, INC.'S
DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL**

Hutton's Landscapes, Inc., Respondent in the above referenced matter, proposes the following be included in the Record on Appeal:

1. First Amended Complaint, filed December 19, 2019;
2. Lather Construction's Answer to First Amended Complaint, filed March 9, 2020;
3. Hutton's Landscapes' Answer to First Amended Complaint, filed March 27, 2020;
4. D.R. Horton's Answer to First Amended Complaint and Cross-Claims, filed November 9, 2020;
5. Lather Construction's Answer to D.R. Horton's Cross-Claims, filed November 23, 2020;
6. Hutton's Landscapes' Answer to D.R. Horton's Cross-Claims, filed December 8, 2020;
7. Hutton's Landscapes' Motion for Summary Judgment on the Cross-Claims of D.R. Horton, filed December 9, 2021;
8. Lather Construction's Joinder in Hutton's Landscapes' Motion for Summary Judgment as to Claims of D.R. Horton, filed January 3, 2022;
9. Lather Construction's Memorandum in Support of Motion for Summary Judgment on Cross-Claims and all exhibits, filed February 28, 2022;
10. D.R. Horton's Bench Brief, filed March 3, 2022;
11. Hutton's Landscapes' Memorandum of Law in Support of Its Motion for Summary Judgment on the Cross-Claims of D.R. Horton, filed October 26, 2021 with attached exhibits in *Richard W. and Rebecca A. Dreier et al. v. Advanced Flooring & Design et al. including D.R. Horton, Inc.*, 2018-CP-07-00911:
 - A: Independent Contractor Agreement between D.R. Horton and Hutton's Landscapes; and
 - B: Excerpts of Ronald Bunner Deposition;
12. Transcript of hearing held before The Honorable Bentley D. Price on March 3, 2022;

13. Order Granting Motions for Summary Judgment, filed March 11, 2022;
14. D.R. Horton's Motion to Alter or Amend, filed March 18, 2022; and
15. Order Denying Motion to Alter or Amend, filed March 24, 2022.

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

Respectfully submitted,

/s/ Carmen V. Ganjehsani
Carmen V. Ganjehsani (S.C. Bar No. 73515)
RICHARDSON, PLOWDEN & ROBINSON, PA
Post Office Drawer 7788
Columbia, South Carolina 29202
(803) 771-4400
cganjehsani@richardsonplowden.com

Emily Gifford Lucey (S.C. Bar No. 72785)
GALLIVAN, WHITE & BOYD, PA
40 Calhoun Street
Ste 315
Charleston, SC 29201
(843) 735-7600
egiffordlucey@gwblawfirm.com
**ATTORNEYS FOR RESPONDENT
HUTTON'S LANDSCAPES, INC.**

September 20, 2024.

Sep 20 2024**CERTIFICATE OF SERVICE**

I, the undersigned, attorney for Respondent Hutton's Landscapes, Inc., do hereby certify that I have this date served the foregoing Designation of Matter to be Included in the Record on Appeal, dated September 20, 2024, by personally serving the same pursuant to Section (d)(1) of the Supreme Court's Order dated April 24, 2024, on the following counsel of record using the primary email addresses listed in the Attorney Information System (if applicable):

Jason Imhoff
John T. Crawford, Jr.
Thomas E. Dudley, III
KENISON, DUDLEY & CRAWFORD, LLC
704 E. McBee Ave.
Greenville, South Carolina 29601
imhoff@conlaw.com
crawford@conlaw.com
dudley@conlaw.com

Carl F. Muller
CARL F. MULLER,
ATTORNEY-AT-LAW, P.A.
PO Box 1717
Greenville, SC 29602-1717
carl@carlmullerlaw.com

**ATTORNEYS FOR APPELLANT
D.R. HORTON, INC.**

Jeffrey A. Ross
Philip P. Cristaldi, III
Scott H. Winograd
ROSS & CRISTALDI, LLC
1242 White Flat Road
Mt. Pleasant, SC 29464
jross@rclawsc.com
pcristaldi@rclawsc.com
swinograd@rclawsc.com
**ATTORNEYS FOR LATHER
CONSTRUCTION, INC. AND
LATHER CONSTRUCTION SC, INC.**

A copy of the sent email is enclosed with this Certificate of Service.


/s/ Carmen V. Ganjehsani
Carmen V. Ganjehsani (S.C. Bar No. 73515)
RICHARDSON, PLOWDEN & ROBINSON, PA
1900 Barnwell Street (29201)
Post Office Drawer 7788
Columbia, South Carolina 29202
(803) 771-4400
cganjehsani@richardsonplowden.com
**ATTORNEYS FOR RESPONDENT
HUTTON'S LANDSCAPES, INC.**

Dated: September 20, 2024.

From: [Carmen Ganjehsani](#)
To: [Kay Kelly](#); imhoff@conlaw.com; crawford@conlaw.com; dudley@conlaw.com; carl@carlmullerlaw.com; jross@rclawsc.com; pcristaldi@rclawsc.com; swinograd@rclawsc.com; [Emily Lucey](#); [Payton Hoover](#)
Subject: 2022-000469 Eberly v. D.R. Horton
Date: Friday, September 20, 2024 3:17:35 PM
Attachments: [2022-000469 Eberly v. D.R. Horton et al \(Hutton's Initial Respondent Brief\) \(3508347\).pdf](#)
[2022-000469 Eberly v. D.R. Horton et al \(Hutton's DOM\) \(3508324\).pdf](#)

Pursuant to the Supreme Court's Order dated April 24, 2024, please find served upon you the Initial Respondent's Brief and Designation of Matter to be Included in the Record on Appeal on behalf of Hutton's Landscapes, Inc.

Thank you,
Carmen Ganjehsani

HOME	VCARD	LOCATION
		<p>Carmen V. Ganjehsani Shareholder Cganjehsani@RichardsonPlowden.com</p> <p>Richardson Plowden & Robinson, P.A. 1900 Barnwell Street Columbia, SC 29201 Tel: 803.253.8692 Fax: 803.779.0016 www.RichardsonPlowden.com</p>

The information contained in this e-mail message may be attorney-client privileged, attorney work product, or strictly confidential information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of the communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at (803) 771-4400 and permanently delete this e-mail.