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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
South Carolina Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

2024-001424

Fenwick Commons Homeowners Association, Inc.,

Plaintiff,

-vs-

Portrait Homes - South Carolina, LLC; Portrait Homes-Fenwick Commons, LLC; D.R. Horton, Inc.; Samuel Glover d/b/a Glover's Brickworks; Glover's Brickworks, Inc.; JJA Construction, Inc. d/b/a JJA Framing; JJA Construction, Inc. d/b/a JJA Framing Company; Jose Castillo d/b/a JJA Framing; Jose Castillo d/b/a JJA Framing Company; International Construction Services, Inc.; International Construction Services, Inc., d/b/a International Construction; United Siding Specialists, Inc.; Old Charleston Builders, LLC; Heritage Construction Consultants, Inc.; Robert H. Yarnall d/b/a Heritage Construction Consultants, Inc.; PNL Construction, LLC; Clear Choice Group, LLC; Built Right Construction, LLC; Alfonso Villavicencio d/b/a Alfonso's Painting; Alfonso Painting & Drywall, Inc.; Diria Tawi Painting, Inc.; Juan Luis Sanchez d/b/a Sanchez Brothers Painting; Sanchez Brothers Painting, Inc.; Windward Shutters, LLC, d/b/a Windward Hurricane Shutters, LLC; 84 Lumber Company; **Builders Firstsource - Southeast Group, LLC**; Americo Roofing Concepts, f/k/a Americo Roofing Concepts, f/k/a Americo Roofing Concepts Enterprises, Inc.; Americo Roofing Concepts, Inc. f/k/a American Roofing Concepts; Archer Exteriors, Inc.; and Professional Exteriors, LLC; Luciano Dias Gomes d/b/a Prestige Home Construction; Geraldo Da Cunha; Pablo Rojas Franco; Charles Gunter; Henry A. Palmer; Julio C. Crespo; Brasilican Contracting, LLC; Charles Bowser d/b/a CWB Services; Levi Arruda; Jose Geraldo Dos Reis; Leandro De Paulo Araujo; Helio A. De Rezende; Vinivius Araujo De Freitas a/k/a Vinicius Araujo; Robert M. Hughes d/b/a Robert's Vinyl Siding; Lucas Rodrigues Barcelos a/k/a Lucas Rodriguez Barcelos; Karla Bazerra; Rodrigo B. Vasconcelos; Rondinely G. Da Silva; Marcio Nunes Da Silva; W&M Vinyl Siding, LLC; Bar Contractors, Inc.; William Construction Services, LLC; and Donald Lee d/b/a Vinyl Siding Specialists, Defendants,

of which Builders FirstSource - Southeast Group, LLC is the Appellant.

APPELLANT BUILDERS FIRSTSOURCE-SOUTHEAST GROUP, LLC'S
DESIGNATION OF MATTER TO BE INCLUDED ON APPEAL

Appellant Builders FirstSource-Southeast Group, LLC respectfully proposes the following to be included in the Record on Appeal:

1. Summons and Complaint filed January 24, 2018;
2. Amended Summons and Complaint filed September 18, 2018;
3. Answer of Builders FirstSource – Southeast Group, LLC to Plaintiff's Amended Complaint filed November 13, 2018;
4. Defendant Builders FirstSource – Southeast Group, LLC's Motion for Summary Judgment as to Plaintiff's Claims filed July 3, 2024;
5. Defendant Builders FirstSource – Southeast Group, LLC's Memorandum in Support of Summary Judgment filed July 19, 2024;
6. Plaintiff's Memorandum in Opposition to Builders FirstSource – Southeast's Motion for Summary Judgment filed July 19, 2024;
7. Plaintiff's Memorandum in Opposition to D.R. Horton's Motion for Summary Judgment filed July 19, 2024;
8. BFS records – ProBuild Sales Order Acknowledgements;
9. Robert G. Sisroy Deposition Transcript 8/29/2019;
10. Robert G. Sisroy Deposition Transcript 9/11/2020;
11. March 5, 2018 Sisroy Engineering Report – Exhibit 4 to Sisroy Deposition 8/29/2019;
12. Order Granting Only Partial Summary Judgment against Plaintiff dated August 1, 2024 and filed August 5, 2024; and
13. Defendant Builders FirstSource – Southeast Group, LLC's Motion to Reconsider filed August 1, 2024;
14. Form 4 Order Confirming Denial of Motion to Reconsider filed August 5, 2024 at 12:52 PM;

15. Notice of Appeal and Certificate of Service filed and stamped August 9, 2024.

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

HOWELL, GIBSON & HUGHES, P.A.

By: 

William H. Cox, III, Esquire

(S.C. Bar No.: 101991)

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*Attorney for Builders FirstSource-Southeast Group, LLC,
Defendant and Appellant.*

Beaufort, South Carolina

October 7, 2024

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of which Builders FirstSource - Southeast Group, LLC is the Appellant.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that they have served the foregoing **“APPELLANT BUILDERS FIRSTSOURCE-SOUTHEAST GROUP, LLC’S DESIGNATION OF MATTER TO BE INCLUDED ON APPEAL”** upon Respondent’s counsel, John T. Chakeris, Alicia D. Pullano, and Phillip W. Segui, Jr., via electronic mail only to john@chakerislawfirm.com, alicia@chakerislawfirm.com, and psegui@seguilawfirm.com on this 7th day of October 2024.

Respectfully submitted,

HOWELL, GIBSON & HUGHES, P.A.

By: /s/William H. Cox, III
William H. Cox, III, Esquire
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*Attorney for Builders FirstSource-Southeast
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Breanna Wicht

From: Breanna Wicht
Sent: Monday, October 7, 2024 3:15 PM
To: 'psegui@seguilawfirm.com'; 'john@chakerislawfirm.com'; 'alicia@chakerislawfirm.com'
Cc: Witt Cox; 'christi@chakerislawfirm.com'
Subject: Service of Initial Brief & Designation of Matter {Appeal No. 2024-001424}{Fenwick Commons vs. Builders FirstSource }
Attachments: 636722.pdf; 636723.pdf
PM Message ID: 645292

Counsel,

Please find attached the Initial Brief of Appellant and Appellant Builders FirstSource – Southeast Group, LLC’s Designation of Matter to be Included on Appeal in the above referenced matter.

With Kind Regards,

Breanna N. Wicht

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