

**RECEIVED**

**Jan 13 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM YORK COUNTY  
Court of Common Pleas

Honorable Grace Gilchrist Knie, Circuit Court Judge

---

Appellate Case No. 2024-001042  
Case No.: 2019-CP-46-01258

Rachel Sanders, Respondent,

v.

Novant Health, Inc., Terracon Consultants, Inc., Panther Heating and Cooling, Inc., Modern Construction of South Carolina, LLC, Southern Realty, LLC, and, in their Individual capacities, George White, MD, Nicholas Tuttle, MD, and Malcolm Marion, MD, Defendants

Of which Modern Construction Services, LLC is the Appellant.

---

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

---

Appellant Modern Construction Services, LLC (“Appellant”) by and through undersigned counsel, proposes the following be included in the Record on Appeal:

1. Respondent’s Summons, filed April 8, 2019;
2. Respondent’s Complaint, filed April 8, 2019;
3. Consent Scheduling Order, filed February 28, 2020;
4. Form 4 Order, Status Conference, filed July 20, 2021;
5. Form 4 Order, Status Conference, filed January 11, 2022;
6. Respondent’s Motion for Default Judgment, filed January 11, 2022;
7. Affidavit of Shana Evans in Support of Entry of Default Judgment, filed February 24, 2022;

8. Order for Default Judgment, filed February 25, 2022;
9. Respondent's Motion to Vacate the Order for Default Judgment, filed March 30, 2022;
10. Order Vacating Default Judgment, filed April 1, 2022;
11. Respondent's Amended Motion for Default Judgment, filed April 1, 2022;
12. Respondent's Certificate of Service, filed April 1, 2022;
13. Affidavit of Shana Evans in Support of Amended Motion for Default Judgment, filed April 1, 2022;
14. Notice of Hearing for Amended Motion for Default Judgment, filed April 4, 2022;
15. Order for Default Judgment against Modern Construction, LLC, filed April 6, 2022;
16. Respondent's Proposed Order for Entry of Default, filed May 19, 2022;
17. Order for Default Judgment against Modern Construction Services, LLC (also known as Modern Construction Services of South Carolina LLC), filed May 24, 2022;
18. Letter giving Notice of Hearing to Modern of SC, filed October 20, 2022;
19. Letter giving Notice of Hearing to Modern of SC, filed October 21, 2022;
20. Letter giving Notice of Hearing to Modern of SC, filed December 16, 2022;
21. Letter giving Notice of Hearing to Modern of SC, filed February 17, 2022;
22. Respondent's Proposed Default Judgment Order, filed March 22, 2023;
23. Order on Damages, filed March 23, 2023;
24. Appellant's Motion for Relief from Judgment and Order and Motion to Set Aside Entry of Default and Order of Default Judgment, filed March 19, 2024;
25. Affidavit of Tracy Snowdy, filed March 19, 2024;
26. Appellant's Memorandum of Law in Support of Appellant's Motion for Relief from Judgment and Order and Motion to Set Aside Entry of Default and Order of Default Judgment, filed April 19, 2024;
27. Respondent's Memorandum in Opposition to Appellant's Motion for Relief, filed April 23, 2024;
28. Order Denying Appellant's Motion, filed May 15, 2024;
29. Appellant's Motion to Reconsider, filed May 17, 2024;

30. Second Affidavit of Tracy Snowdy, filed May 17, 2024;
31. Initial Order Regarding Motion for Reconsideration, filed May 20, 2024;
32. Respondent's Memorandum in Opposition to Appellant's Motion to Reconsider, filed May 29, 2024;
33. Appellant's Memorandum in Support of its Motion to Reconsider, filed May 29, 2024;
34. Appellant's Reply in Support of its Motion to Reconsider, filed June 6, 2024;
35. Order Denying Appellant's Motion to Reconsider, filed June 14, 2024;
36. Appellant's Notice of Appeal, filed June 20, 2024;
37. Transcript of April 24, 2024 Hearing on Appellant's Motion for Relief from Judgment and Order and Motion to Set Aside Entry of Default and Order of Default Judgment, pages 1-37; and
38. Transcript of March 8, 2023 Hearing on Damages, pages 1-23.

The undersigned hereby certifies, pursuant to Rule 209(c), SCACR, that Appellant's Designation of Matter to be included in Record on Appeal contains no matter which is irrelevant to the appeal.

WINDLE TERRY BIMBO  
s/ Don R. Terry  
Don R. Terry (SC Bar No. 101395)  
150 Milestone Way, Suite C  
Greenville, SC 29615  
(864) 520-4847  
[dterry@wtbconstructionlaw.com](mailto:dterry@wtbconstructionlaw.com)  
*Attorneys for Appellant Modern Construction Services, LLC*

January 13, 2025  
Greenville, South Carolina