

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from the Court of Common Pleas
For Charleston County
Civil Action No.: 2009-CP-10-6746
Appellate Case No.: 2012-213584

Long Grove at Seaside Farms, LLC; The Beach Company; and
Gulfstream Construction Company, Inc., Respondents,

v.

Long Grove Property Owners' Association, Inc.;
Vista Realty Partners, LLC; and Long Grove Vista, LLC;

Of Whom Long Grove Property Owners' Association, Inc. is Appellant.

Long Grove Property Owners' Association, Inc., Third-Party Plaintiff,

v.

James Harwick & Partners, Inc., n/k/a JHP
Architecture/Urban Design P.C.; Sam Mayo, d/b/a SCM
Construction, Inc.; Essex Engineering Corporation,
Third-Party Defendants,

Of Whom James Harwick & Partners, Inc., n/k/a JHP Architecture/Urban Design, P.C. is
Respondent.

**RESPONDENTS' DESIGNATION OF MATTERS TO BE INCLUDED IN RECORD ON
APPEAL**

1

RECEIVED

OCT 04 2013

SC Court of Appeals

David J. Parrish
NEXSEN PRUET, LLC
PO Box 486
Charleston, SC 29402
Phone 843.720.1771
Fax 843.414.8214
Email dparrish@nexsenpruet.com
**Attorneys for Respondents Long Grove at Seaside
Farms, LLC, The Beach Company and Gulfstream
Construction Company, Inc.**

James Lynn Werner, Esquire
PARKER POE ADAMS & BERNSTEIN, LLP
1201 Main Street, Suite 1450
Columbia, SC 29201
and
Laura Locklair, Esquire
PARKER POE ADAMS & BERNSTEIN, LLP
200 Meeting Street, Suite 301
Charleston, SC 29401
**Attorneys for Respondents James Harwick & Partners,
Inc. n/k/a JHP Architecture/Urban Design, PC**

Other Counsel of Record:

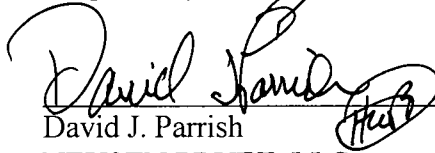
George E. Mullen, Esquire
MULLEN WYLIE, LLC
P.O. Box 5969
Hilton Head, SC 29938

Francis E. Grimball, Esquire
MULLEN WYLIE, LLC
171 Church Street, Suite 370
Charleston, SC 29401
**Attorneys for Appellant Long Grove
Property Owners' Association, Inc.**

Respondents Long Grove at Seaside Farms, LLC; The Beach Company; Gulfstream Construction Company, Inc.; and James Harwick & Partners, Inc. n/k/a JHP Architecture/Urban Design, PC designate the following materials to be included in the Record on Appeal:

1. Order Granting Summary Judgment to Plaintiffs and Third-Party Defendant Harwick in this Declaratory Action and Dismissing Underlying Construction Defects Claims Against Those Parties filed July 26, 2012.
2. Form 4 Order filed November 2, 2012, Denying POA's Motion to Reconsider.
3. Plaintiff's Summons and Complaint (with all Exhibits) filed October 26, 2009.
4. Defendant Long Grove Property Owners' Association's Answer, Counterclaim, Crossclaim and Third-Party Complaint filed December 22, 2009.
5. Plaintiffs' Motion to Dismiss and for Judgment on the Pleadings filed December 30, 2009.
6. James Harwick's Motion to Dismiss Third-Party Complaint and for Judgment on the Pleadings filed December 24, 2009.
7. Defendant Long Grove Property Owners' Notice of Motion and Motion to Reconsider Order Granting of Plaintiffs' Motion for Summary Judgment filed August 3, 2012.
8. John Darby deposition cover page, page 14, pages 23-25, pages 79-80, and Exhibit 19.
9. Eduard de Guardiola deposition cover page, pages 17-20, pages 28-31, pages 101-102, pages 111-112, Exhibit 23 (pages Bates CBRE 923, CBRE 933, CBRE 937-38), Exhibit 31 (all pages), and Exhibit 33 (pages Bates Vista_00019-000046).
10. Richard Blatt deposition cover page, page 29, page 113, page 120, and Exhibit 36.
11. Kent Johnson deposition cover page, pages 76-77, Exhibit 2, Exhibit 4, Exhibit 9, Exhibit 11, and Exhibit 12.
12. Documents identified as Bates BeachResidential 00001-120.
13. Transcript of hearing on September 27, 2011.
14. Transcript of hearing on April 30, 2012.
15. James Harwick's Supplemental Memorandum in Support of its Motion to Dismiss.

Respectfully submitted,



David J. Parrish

NEXSEN PRUET, LLC

PO Box 486

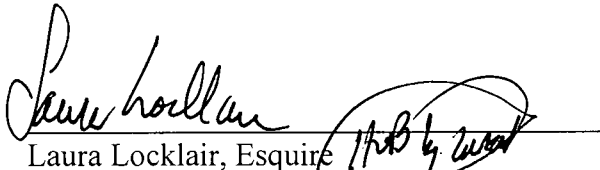
Charleston, SC 29402

Phone 843.720.1771

Fax 843.414.8214

Email dparrish@nexsenpruet.com

**Attorneys for Respondents Attorneys for Respondents
Long Grove at Seaside Farms, LLC, The Beach
Company and Gulfstream Construction Company, Inc.**



Laura Locklair, Esquire

Parker Poe Adams & Bernstein, LLP

200 Meeting Street, Suite 301

Charleston, SC 29401

and

James Lynn Werner, Esquire

Parker Poe Adams & Bernstein, LLP

1201 Main Street, Suite 1450

Columbia, SC 29401

**Attorneys for Respondent James Harwick
& Partners, Inc. n/k/a JHP Architecture/
Urban Design, PC**

October __, 2013

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from the Court of Common Pleas
For Charleston County
Civil Action No.: 2009-CP-10-6746
Appellate Case No.: 2012-213584

RECEIVED

OCT 04 2013

SC Court of Appeals

Long Grove at Seaside Farms, LLC; The Beach Company; and
Gulfstream Construction Company, Inc., Respondents,

v.

Long Grove Property Owners' Association, Inc.;
Vista Realty Partners, LLC; and Long Grove Vista, LLC;

Of Whom Long Grove Property Owners' Association, Inc. is Appellant.

Long Grove Property Owners' Association, Inc., Third-Party Plaintiff,

v.

James Harwick & Partners, Inc., n/k/a JHP
Architecture/Urban Design P.C.; Sam Mayo, d/b/a SCM
Construction, Inc.; Essex Engineering Corporation,
Third-Party Defendants,

Of Whom James Harwick & Partners, Inc., n/k/a JHP Architecture/Urban Design, P.C. is
Respondent.

**PROOF OF SERVICE FOR
INITIAL BRIEF OF RESPONDENTS AND
DESIGNATION OF MATTERS TO BE INCLUDED
IN THE RECORD ON APPEAL**

David J. Parrish
NEXSEN PRUET, LLC
PO Box 486
Charleston, SC 29402
Phone: (843) 720-1771
Fax: (843) 414-8214
Email: dparrish@nexsenpruet.com


I, hereby certify that on October 4, 2013, I served a copy of the *Respondents' Initial Brief and Designation of Matters to be Included in the Record on Appeal* on counsel for the parties of record in this case via United States Mail, postage pre-paid, as addressed shown below.

George E. Mullen, Esquire
MULLEN WYLIE, LLC
P.O. Box 5969
Hilton Head, SC 29938
Attorney for Appellant

Francis E. Grimball, Esquire
MULLEN WYLIE, LLC
171 Church Street, Suite 370
Charleston, SC 29401
Attorney for Appellant

James Lynn Werner, Esquire
PARKER POE ADAMS & BERNSTEIN, LLP
1201 Main Street, Suite 1450
Columbia, SC 29201
Attorneys for Respondents James Harwick & Partners, Inc. n/k/a JHP Architecture/Urban Design, PC

Laura Locklair, Esquire
PARKER POE ADAMS & BERNSTEIN, LLP
200 Meeting Street, Suite 301
Charleston, SC 29401
Attorneys for Respondents James Harwick & Partners, Inc. n/k/a JHP Architecture/Urban Design, PC


NEXSEN PRUET, LLC

Charleston, South Carolina
Telephone: 843.720.1771
Fax: 843.414.8214

NEXSEN | PRUET

October 4, 2013

David J. Parrish
Member
Admitted in SC

VIA HAND DELIVERY

The Honorable Jenny A. Kitchings
Clerk of Court, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29211

Re: Long Grove Property Owners Association, Inc., et al. v. The Beach Company, et al.
Case No.: 2011-CP-10-8315/Appeal No.: 2012-213584

Dear Ms. Kitchings:

Enclosed please find the original and one copy of Respondents' Initial Brief and Designation of Matters to be included in the Record on Appeal in the above-referenced matter. Also enclosed is the original and one copy of a Proof of Service indicating service upon counsel of record.

Charleston

Charlotte

Columbia

Greensboro

Greenville

Hilton Head

Myrtle Beach

Raleigh

Please note that, as reflected in the enclosed Brief, and per his request, James Lynn Werner has been added as counsel of record on behalf of Respondent James Harwick. Please also note that Stephen Groves of my office will also be appearing as appellate counsel for the Respondents.

If you need anything else or I otherwise may be of any assistance to you regarding this matter, please feel free to contact me at your convenience. My direct telephone number is 843.720.1771 and my email address is dparrish@nexsenpruet.com.

With kind regards,

David J. Parrish
David J. Parrish *18mr*

DJP/cil

Enclosures

cc: All counsel of record (as shown on the enclosed Proof of Service)

205 King Street
Suite 400 (29401)
PO Box 486
Charleston, SC 29402
www.nexsenpruet.com

T 843.720.1771
F 843.414.8214
E DParrish@nexsenpruet.com
Nexsen Pruet, LLC
Attorneys and Counselors at Law

RECEIVED

OCT 04 2013

SC Court of Appeals