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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas for the Fifth Judicial Circuit

The Honorable William W. Wheeler, III, Circuit Court Judge

Appellate Case No.: 2026-001127
Trial Court Case No.: 2020-CP-40-03915

ATC Site Construction, LLC, Respondent,

v.

NKD, Inc., Appellant,

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

Ellis R. Lesemann
Michelle A. Stewart
Robert T. Bonds
Lesemann & Associates LLC
418 King Street, Suite 301
Charleston, South Carolina 29403
(843) 724-5155

Attorneys for Appellant

Appellant NKD, Inc. ("NKD") proposes that the following material be included in the Record on Appeal:

Orders and Judgments

1. Consent Order to Stay Pending Completion of Arbitration entered July 10, 2024

2. Consent Order for Interim Relief Pending Final Judgment entered July 11, 2025

3. Form 4 Judgment in a Civil Case entered April 8, 2026 by the Honorable William W. Wheeler, III

4. Order Granting Motion to Confirm Award, and Denying Motion to Vacate, Modify In Part and Confirm In Part entered April 22, 2026 by the Honorable William W. Wheeler, III

Pleadings

5. ATC's Complaint for Foreclosure of Mechanic's Lien filed August 18, 2020

6. NKD's Motion to Release Mechanic's Lien Bond filed May 2, 2025, with Exhibit:

   Ex. A – Cash Bond to Release Mechanic's Lien

7. NKD's Petition for Award of Attorney's Fees with Exhibits A – E

8. NKD's Opposition to ATC's Motion for Attorney's Fees filed March 7, 2025

9. NKD's Motion to Vacate in Part, Modify in Part, and Confirm in Part the Arbitration Award filed May 13, 2025, with Exhibits:

   Ex. A – Final Award dated April 9, 2025

   Ex. C – Interim Award dated January 21, 2025

10. ATC's Motion to Confirm the Final Award filed June 16, 2025

11. ATC's Motion to Award Attorney Fees and Costs filed July 9, 2025

12. ATC's Memorandum in Support of Motion to Confirm Award, and Opposing Motion to Vacate in Part, Modify in Part, and Confirm in Part the Arbitration Award, filed March 12, 2026, with Exhibits:

    Ex. 3 – NKD's Motion to Correct Interim Award Submitted to the Arbitration Panel

    Ex. 6 – ATC's Fee Petition Submitted to the Arbitration Panel

Ex. 10 – Affidavit of Robert L. Buchanan

Ex. 11 – Affidavit of Russell Jeter

13. NKD's Omnibus Memorandum Relating to Pending Motions filed March 18, 2026, with Exhibit:

    Ex. C – One-page List of Invoice Amounts Submitted with ATC's Fee Petition

14. Notice of Filing on March 18, 2026, of NKD's Petition for Attorney's Fees in Arbitration Action, with Exhibit:

    Ex. 1 – NKD's Petition for Attorney's Fees and Costs Submitted to the Arbitration Panel

15. NKD's Reply Regarding Pending Motions filed March 27, 2026

    Ex. C – Release of Cash Bond

    Ex. D – Notice of Cancellation of Lis Pendens

    Ex H – NKD's Opposition to ATC's Motion for Attorney Fees Submitted to the Arbitration Panel

Transcripts

16. Transcript of Hearing on Pending Motions held on March 19, 2026

Respectfully submitted,

By: *s/Ellis R. Lesemann*

Ellis R. Lesemann, Esq. (S.C. Bar No. 15315)
erl@lalawsc.com
Michelle A. Stewart, Esq. (S.C. Bar No. 100685)
mas@lalawsc.com
Robert T. Bonds, Esq. (S.C. Bar No. 106271)
rtb@lalawsc.com
LESEMANN & ASSOCIATES LLC
418 King Street, Suite 301
Charleston, SC 29403
Phone: (843) 724-5155

Attorneys for Appellant

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Charleston, South Carolina