

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

James C. Williams, Jr., Special Referee

Case No. 2010-CP-40-8621

RECEIVED
JAN 03 2014
SC Court of Appeals

C.R. Meyer and Sons Company, Plaintiff,

v.

Custom Mechanical CSRA, LLC Defendant.

And

Custom Mechanical CSRA, LLC is Respondent,

v.

Plumbers & Steam Fitters Local #150 Health and Welfare Fund;
Plumbers & Steam Fitters Local #150 Pension Fund; Plumbers &
Steam Fitters Local #150 Annuity Fund, and Jackie K. Nordeen, Jr.
and Patrick H.F. Smith, IV, as Trustees of these Funds; Plumbers
& Steam Fitters Local #150 Vacation Fund and Patrick H. F. Smith, IV
and Joseph L. Dozier, as Trustees of this Fund; Augusta Joint
Apprenticeship and Journeymen Training Committee, and Patrick
H.F. Smith, IV and Charles I. Hardigree, as Trustees of this Fund;
Trustees of Southern Iron Workers Pension Fund; Trustees of
Southeastern Iron Workers Healthcare Plan; Trustees of
Southeastern Iron Workers #709 Joint Apprenticeship and
Training committee and Local #709, International Association
of Bridge, Structural, Ornamental and Reinforcing Iron Workers;
Southeastern Carpenters and Millwrights Health Trust,
Southeastern Carpenters and Millwrights Pension Trust, Larry
Phillips and J. Kirk Malone, as Trustees of these Funds;
Ferguson Enterprises, Inc.; Presidential Financial Corporation;
Norton Welding Supply, Inc.; United Rentals (North America), Inc.;
Daniel R. Friedmann; Tony Hall; Timothy R. Hall, Jr.; Ralph D.
Black; Thomas Brittingham; Arthur C. Carlson; Leonard Wade

Cliett; Christopher Cullipher; David W. Cullipher; Joseph A. Doyle, Jr.; Charles R. Ellzey; Brian Field; Clayton W. Googe, Jr.; Martin Granger; William R. Giffin, Jr.; Jack E. Hegler; George G. Lever; Matt Lever; Ernest H. Lewis, III; the Estate of William R. McFerrin by and through its duly-appointed Executrix, Nancy McFerrin; Daniel Nichols; Kinda Phommachanh; Raleigh B. Roye; Nicholas Stewart; Timothy P. Stock; James Waltemath; Al Tiska; Al Carpenter; Bruce Pollock, Jr.; and, Security Federal Bank, Third Party Defendants,

Of Whom

Daniel R. Friedmann; Tony Hall; Timothy R. Hall, Jr.; Ralph D. Black; Thomas Brittingham; Arthur C. Carlson; Leonard Wade Cliett; Christopher Cullipher; David W. Cullipher; Joseph A. Doyle, Jr.; Charles R. Ellzey; Brian Field; Clayton W. Googe, Jr.; Martin Granger; William R. Giffin, Jr.; Jack E. Hegler; George G. Lever; Matt Lever; Ernest H. Lewis, III; the Estate of William R. McFerrin by and through its duly-appointed Executrix, Nancy McFerrin; Daniel Nichols; Kinda Phommachanh; Raleigh B. Roye; Nicholas Stewart; Timothy P. Stock; James Waltemath; Al Tiska; Al Carpenter; and Bruce Pollock, Jr. are Appellants,

And Presidential Financial and Security Federal Bank, are also Respondents.

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

Appellants propose the following be included in the Record on Appeal:

1. Stipulation of Dismissal with Prejudice (1/24/13) of union;
2. Order Confirming Arbitration Award of 11/1/11;
3. Order of 2/23/12;
4. Order of 3/5/12 (between C.R. Meyer and Custom as to paying arbitration proceeds to Custom . . . funds transmitted by electronic funds transfer to escrow account of Richardson Plowden & Robinson)
5. Order Granting Disbursement of Funds (11/13/12);
6. Order Granting Presidential Financial Company and Security Federal Bank's Motion for Summary Judgment (5/28/13);
7. Form 4 Order of 5/30/13;
8. Order Denying Third Party Defendants Custom Employees' Motion to Alter or Amend Judgment (7/16/13);

9. Custom Mechanical's Third-Party Complaint of February 2011;
10. Friedmann case Complaint (filed 2/20/08);
11. Amended Friedmann case Complaint (filed 7/25/08);
12. Second Amended Friedmann case Complaint (filed 7/30/09);
13. Third Amended Friedmann case Complaint (filed 11/20/08);
14. Friedmann case Answer;
15. Arbitration Award (11/8/10) with all exhibits attached Aff. Of Wall, ;
16. Warrant of Attachment in Friedmann case (2/2/11);
17. Confession of Judgment in Friedmann case (2/14/11);
18. Security Federal Bank and Presidential Financial Corporation Amended Answer to Third- Party Complaint and Counterclaim and Crossclaim of 7/19/12;
19. Joint Reply, Counterclaim, and Crossclaim of Custom Employees of 8/1/12;
20. Banks' Motion for Summary Judgment of 10/12/12;
21. Banks' Amended Motion for Summary Judgment of 11/15/12;
22. Custom Employees' Motion for Summary Judgment of 10/19/12;
23. Custom Employees' Amended Motion for Summary Judgment of 12/3/12;
24. Bank's Memorandum in Support of its Motion for Summary Judgment and in Opposition to Custom Employees' Motion for Summary Judgment and exhibits of 1/24/13;
25. Custom Employees' Memorandum in Support of their Original and Amended Motions for Summary Judgment and in Opposition to Banks' Motion for Summary Judgment and exhibits of 1/24/13;
26. Custom Employees Motion for Reconsideration of 6/7/13;
27. Transcript of Summary Judgment Hearing.

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

Respectfully submitted,

John S. Nichols by Allison P. Sullivan
John S. Nichols, Esquire with express permission

January 3, 2013

SC Bar # 4210
Bluestein, Nichols, Thompson & Delgado, LLC
Post Office Box 7965
Columbia, South Carolina 29202
(803) 779-7599

Nekki Shutt, Esquire
SC Bar #8784
Callison Tighe & Robinson, LLC
Post Office Box 1390
Columbia, SC 29202
(803) 404-6900

Attorneys for Appellants

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

James C. Williams, Jr., Special Referee

Case No. 2010-CP-40-8621

RECEIVED
JAN 03 2014
SC Court of Appeals

C.R. Meyer and Sons Company, Plaintiff,

v.

Custom Mechanical CSRA, LLC Defendant.

And

Custom Mechanical CSRA, LLC is Respondent,

v.

Plumbers & Steam Fitters Local #150 Health and Welfare Fund;
Plumbers & Steam Fitters Local #150 Pension Fund; Plumbers &
Steam Fitters Local #150 Annuity Fund, and Jackie K. Nordeen, Jr.
and Patrick H.F. Smith, IV, as Trustees of these Funds; Plumbers
& Steam Fitters Local #150 Vacation Fund and Patrick H. F. Smith, IV
and Joseph L. Dozier, as Trustees of this Fund; Augusta Joint
Apprenticeship and Journeymen Training Committee, and Patrick
H.F. Smith, IV and Charles I. Hardigree, as Trustees of this Fund;
Trustees of Southern Iron Workers Pension Fund; Trustees of
Southeastern Iron Workers Healthcare Plan; Trustees of
Southeastern Iron Workers #709 Joint Apprenticeship and
Training committee and Local #709, International Association
of Bridge, Structural, Ornamental and Reinforcing Iron Workers;
Southeastern Carpenters and Millwrights Health Trust,
Southeastern Carpenters and Millwrights Pension Trust, Larry
Phillips and J. Kirk Malone, as Trustees of these Funds;
Ferguson Enterprises, Inc.; Presidential Financial Corporation;
Norton Welding Supply, Inc.; United Rentals (North America), Inc.;
Daniel R. Friedmann; Tony Hall; Timothy R. Hall, Jr.; Ralph D.
Black; Thomas Brittingham; Arthur C. Carlson; Leonard Wade

Cliett; Christopher Cullipher; David W. Cullipher; Joseph A. Doyle, Jr.; Charles R. Ellzey; Brian Field; Clayton W. Googe, Jr.; Martin Granger; William R. Giffin, Jr.; Jack E. Hegler; George G. Lever; Matt Lever; Ernest H. Lewis, III; the Estate of William R. McFerrin by and through its duly-appointed Executrix, Nancy McFerrin; Daniel Nichols; Kinda Phommachanh; Raleigh B. Roye; Nicholas Stewart; Timothy P. Stock; James Waltemath; Al Tiska; Al Carpenter; Bruce Pollock, Jr.; and, Security Federal Bank, Third Party Defendants,

RECEIVED

JAN 03 2014

SC Court of Appeals

Of Whom

Daniel R. Friedmann; Tony Hall; Timothy R. Hall, Jr.; Ralph D. Black; Thomas Brittingham; Arthur C. Carlson; Leonard Wade Cliett; Christopher Cullipher; David W. Cullipher; Joseph A. Doyle, Jr.; Charles R. Ellzey; Brian Field; Clayton W. Googe, Jr.; Martin Granger; William R. Giffin, Jr.; Jack E. Hegler; George G. Lever; Matt Lever; Ernest H. Lewis, III; the Estate of William R. McFerrin by and through its duly-appointed Executrix, Nancy McFerrin; Daniel Nichols; Kinda Phommachanh; Raleigh B. Roye; Nicholas Stewart; Timothy P. Stock; James Waltemath; Al Tiska; Al Carpenter; and Bruce Pollock, Jr. are Appellants,

And Presidential Financial and Security Federal Bank, are also Respondents.

PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below she served counsel for the Respondents with a copy of the *Initial Brief and Designation of Matter* by mailing copies of the same by United States Mail with first class postage prepaid to the following addresses:

Francis M. Mack, Esquire
RICHARDSON PLOWDEN CARPENTER & ROBINSON, PA
1900 Barnwell St.
Columbia, SC 29201

John T. Lay, Jr., Esquire
GALLIVAN WHITE & BOYD, PA
1201 Main Street, Ste. 1200
Columbia, SC 29201

Robert L. Buchanan, Jr., Esquire
BUCHANAN LAW OFFICE, PA
P.O. Box 463
Aiken, SC 29802-0463



Erin Bridges
Paralegal
BLUESTEIN, NICHOLS, THOMPSON
& DELGADO, LLC

January 3, 2014
Columbia, South Carolina