

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

John M. Milling, Special Referee

Case No: 2013-001291

Harleysville Group Insurance, a Pennsylvania Corporation,.....Appellant/Respondent

v.

Heritage Communities, Inc., A South Carolina Corporation;
Heritage Riverwalk, A South Carolina Corporation;
Buildstar Corporation, A South Carolina Corporation,
Riverwalk at Arrowhead Country Club Horizontal Property
Regime, Riverwalk at Arrowhead Property Owners
Association, Inc., A South Carolina Corporation, National
Surety Corp., and Tony L. Pope and Lynn Pope Individually
and Representing as a Class All Unit Owners at Riverwalk
at Arrowhead Country Club Horizontal Property Regime,.....Defendants

Of whom Heritage Communities, Inc., a South Carolina Corporation;
Heritage Riverwalk, a South Carolina Corporation; Buildstar
Corporation, a South Carolina Corporation; National Surety Corp.,
And Tony L. Pope and Lynn Pope, individually and representing as a
class all unit owners at Riverwalk at Arrowhead Country Club
Horizontal Property Regime are.....Respondents

And Riverwalk at Arrowhead Country Club Horizontal Property
Regime; Riverwalk at Arrowhead Country Club Property Owners
Association, Inc. are.....Respondents/Appellants.

RESPONDENT'S DESIGNATION OF MATTER
FOR THE RECORD ON APPEAL FOR RESPONDENTS/APPELLANTS

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Pursuant to Rule 209, SCACR, Respondents/Appellants Riverwalk at Arrowhead Country Club Horizontal Property Regime and Riverwalk at Arrowhead Country Club Property Owners' Association, Inc. ("Respondents/Appellants") designate the following material for inclusion in the record on appeal. Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to the appeal:

ORDERS

1. Order of Reference appointing the Honorable John M. Milling as Special Referee, October 21, 2010.
2. Special Referee's Order denying Harleysville's Motion for Directed Verdict or Declaratory Judgment, February 21, 2013.
3. Special Referee's Order disposing of case, February 28, 2013.
4. Special Referee's Order denying Motions to Alter or Amend, April 22, 2013.

PLEADINGS

5. Harleysville's Declaratory Judgment Complaint, October 14, 2009.
6. Answer and Counterclaim of Riverwalk at Arrowhead, et. al., October 21, 2009.
7. Harleysville's Reply to Counterclaim, January 4, 2010.

TRANSCRIPTS

8. Trial Transcript of December 13-14, 2010.
9. Hearing Transcript of December 9, 2011.
10. Hearing Transcript of April 9, 2013.

EXHIBITS

11. Ex. 1: Trial Transcript of Underlying Liability Action, January 5-15, 2009, pages 145-148, 157-159, 187-217, 225-227, 234, 248-249, 251-252, 258-259, 392-398, 405-407, 409-410, 432-433, 437-441, 445-456, 823-824, 854-857, 861-862, 866-868, 886-888, 913, 923-925, 928, 936-943, 945, 950-951, 953-956, 1101-1122, 1125, 1169-1173, 1210, 1223-1224, 1305, 1396-1397, 1413, 1726-1730, 1819-1822.

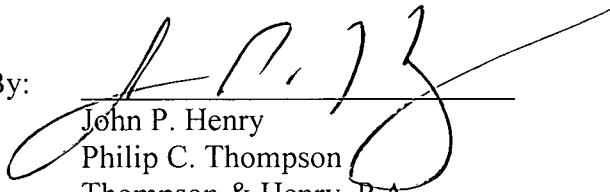
12. Ex. 4: Third Amended Complaint in Underlying Pope Class Action, July 22, 2008.
13. Ex. 4: Fourth Amended Complaint in Underlying POA Liability Action, August 3, 2006.
14. Ex. 11: Transcript of Deposition of Mr. Lee Wright, August 3, 2010.
15. Ex. 11: Transcript of Deposition of Brian Tormey, October 119, 2010.
16. Ex. 12: Commercial General Insurance Policies issued by Harleysville to insureds relevant to this action.
17. Ex. 14: Harleysville's Response to Defendants First Request to Admit and Supplemental Interrogatories, February 4, 2010.
18. Ex. 14: Harleysville's Answers to Defendants First Set of Interrogatories and Requests for Production, pp. 1-17, February 22, 2010.
19. Ex. 14: Harleysville's Amended Responses to Defendants First Requests to Admit and Supplemental Interrogatories, February 17, 2010.
20. Ex. 14: Fourth Amended 30(b)(6) Notice of Deposition of Harleysville Ins. Group, August 6, 2010.
21. Ex. 14: Harleysville's Answers to Defendant's Supplemental Interrogatories and Request for Production, pp. 1-26, September 28, 2010.
22. Ex. 14: Harleysville's Second Amended Answers to Defendant's Requests for Admission, October 7, 2010.
23. Ex. 14: Plaintiff's Amended Answers to Interrogatories, October 15, 2010.
24. Ex. 15: Harleysville's Reservation of Rights Letter to insureds.
25. Ex. 17: Harleysville's chart regarding policies, limits, and aggregate remaining.
26. Ex. 19: Four Policy Forms.
27. Ex. 25: Underlying verdict form (property regime and property owners' association), January 15, 2009.
28. Ex. 26: Underlying verdict form Pope Class Action, January 15, 2009.

MISCELLANEOUS AND MOTIONS

- 29. Harleysville's Motion for Judgment as a Matter of Law and Directed Verdict, September 12, 2012.
- 30. Harleysville's Proposed Order, Submitted as a memorandum of law in support of its Motion for Judgment as a Matter of Law and Directed Verdict. September 12, 2012.
- 31. Motion of Riverwalk at Arrowhead, et. al. to Alter or Amend, March 20, 2013.
- 32. Harleysville's Motion to Alter or Amend, March 21, 2013.

THOMPSON & HENRY, P.A.

By:



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Horizontal Property Regime and Riverwalk
at Arrowhead Country Club Property
Owners Association, Inc.*

December 16, 2013

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I, the undersigned legal assistant of the law offices of Thompson & Henry, P.A., attorneys for Respondents/Appellants, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of same by United States Mail, postage prepaid, to the following address(es) this 16th day of December, 2013:

Pleading(s): Appellant's Initial Brief of Respondents/Appellants; and Respondents/Appellants Designation of Matter

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J. PAT HENRY

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December 16, 2013

The Honorable Jenny Kitchings
Clerk of Court
South Carolina Court of Appeals
PO Box 11629 (29211)
1015 Sumter Street
Columbia, SC 29201

RE: Harleysville Group Insurance, Inc. v. Riverwalk at Arrowhead Country Club
Property Owners Association, Inc. et al.
Appellate Case No.:2013-001291

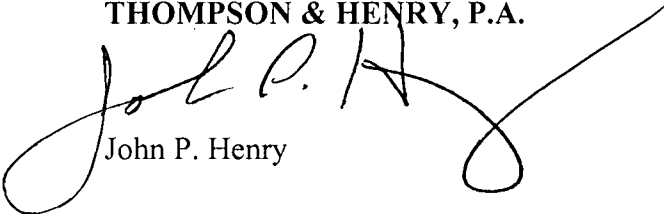
Dear Ms. Kitchings:

Please find enclosed herewith the original and one (1) copy of Respondent's Initial Brief of Respondents/Appellants, Respondent's Designation of Matter for the Record on Appeal for Respondents/Appellants and proper Proof of Service. Please file the originals and return to me a clocked copy in the enclosed self addressed, stamped envelope.

By copy of this letter I am serving same on all counsel of record.

With kindest regards, I am

Sincerely,
THOMPSON & HENRY, P.A.


John P. Henry

PCT/sbh

cc: C. Mitchell Brown, Esquire
Robert C. Calamari, Esquire
Laura J. Evans, Esquire
Enclosures as noted.

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