

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**

MAR 05 2014

**SC Court of Appeals**

C.R. Meyer and Sons Company, ..... Plaintiff,

v.

Custom Mechanical CSRA, LLC ..... Defendant,

And

Custom Mechanical CSRA, LLC is ..... Third-Party Plaintiff/  
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

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**SC Court of Appeals**

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. Griffin, 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. Griffin, 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. are . . . . . Appellants

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

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**RESPONDENTS PRESIDENTIAL FINANCIAL CORPORATION & SECURITY  
FEDERAL BANK DESIGNATION OF MATTER**

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Respondents propose the following to be included in the Record on Appeal:

**Transcripts**

1. Hearing Transcript of March 19, 2013 Proceedings  
pp. 25:16-26:6, 48:3-6
2. Transcript of Deposition of Daniel Friedmann  
p.28:6-19

**Pleadings**

3. Complaint of C.R. Meyer, Filed December 9, 2010
4. Custom Mechanical CSRA, LLC Answer & Third Party Complaint, Filed February 10, 2011
5. Answer to Third Party Complaint by 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. Griffin, 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., Filed March 9, 2011
6. Answer of Presidential Financial Corporation to Third Party Complaint of Custom Mechanical CSRA, LLC, Filed June 6, 2011
7. Answer of Security Federal Bank To Third Party Complaint of Custom Mechanical CSRA, LLC, Filed October 20, 2011
8. Presidential Financial Corporation and Security Federal Bank's Amended Answer to Third-Party Complaint and Counterclaim and Crossclaim, Filed July 19, 2012
9. Joint Reply, Counterclaim, and Crossclaim to Presidential Financial Corporation and Security Federal Bank's Amended Answer to Third-Party Complaint and Counterclaim and Bank's Crossclaim From 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. Griffin, 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., Filed August 1, 2012

10. Answer to Presidential Financial Corporation and Security Federal Bank's Amended Answer to Third-Party Complaint and Counterclaim and Crossclaim, Filed August 3, 2012

### **Motions**

11. Third-Party Defendants and Crossclaimants Presidential Financial Corporation's And Security Federal Bank's Memorandum in Support of Their Motion For Summary Judgment and in Opposition to Custom Employees' Motion for Summary Judgment
12. Memorandum of Custom Employees in Support of Their Original and Amended Motions for Summary Judgment and in Opposition to Banks' Motion for Summary Judgment
13. Third-Party Defendants Presidential Financial Corporation and Security Federal Bank's Reply And Answer to Cross-claim(s) and Counterclaims, Filed August 17, 2012

### **Orders**

14. Order Confirming Arbitration Award, Filed November 1, 2011
15. Order Confirming Settlement of Arbitration Award, Filed March 5, 2012
16. Order Granting Presidential Financial Corporation and Security Federal Bank's Motion to Amend, Filed July 19, 2012
17. Order Granting Disbursement of Funds, Filed November 13, 2012
18. Order Granting Presidential Financial Company And Security Federal Bank's Motion for Summary Judgment, Filed May 28, 2013

### **Other**

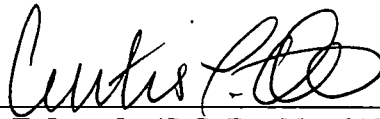
19. Arbitration Award
20. Affidavit of Lisa Glevenyak

Including Attachments C, D, E, F,-& G

21. Collective Bargaining Agreement
22. Paycheck Stubs of Appellants
23. Security Federal Loan Agreements and corresponding Affidavit
24. Security Federal UCC-1, UCC-3 Subordination Statement, & UCC-3 Continuation Statement
25. Presidential Loan Agreement and Security Agreement
26. Presidential UCC-1, UCC-3 Continuation Statement
27. Employee Union Cards
28. Confession of Judgment
29. Amended Complaint (S.C. Payment of Wages Act, Breach of Fiduciary Duty, Conversion, etc.), Filed July 25, 2008
30. Presidential Financial Corporation Consent Judgment
31. Warrant of Attachment, Filed February 2, 2011
32. Union Stipulation of Dismissal, Filed January 24, 2013

Pursuant to Rule 209(c), SCACR, counsel for Respondents certify that this Designation contains no matter that is irrelevant to this appeal.

*Signature on next page*



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March 5, 2014

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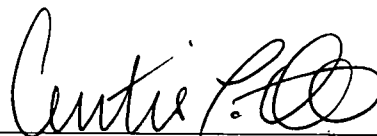
And Presidential Financial Corporation and Security Federal Bank, . . . . . are also Respondents.

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**CERTIFICATE OF COUNSEL**

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The undersigned counsel hereby certifies that the Brief of Respondents Presidential Financial Corporation & Security Federal Bank complies with Rule 208(b)(2), SCACR and the August 13, 2007, Order from the South Carolina Supreme Court titled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in the Appellate Court Filings."



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PROOF OF SERVICE

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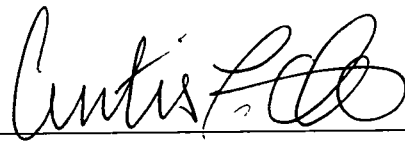
I certify that on March 5, 2014, I served copies of the Initial Brief of Respondents Presidential Financial Corporation & Security Federal Bank and Designation of Matter to be Included in the Record on Appeal by United States mail, postage prepaid, addressed to:

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March 5, 2014

**VIA HAND DELIVERY**

Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

Re: *C.R. Meyer and Sons Company v. Custom Mechanical CSRA, LLC, et al.*  
Appellate Case No.: 2013-001839  
Case No.: 2010-CP-40-8621  
GWB File No.: 6992-1

Dear Ms. Kitchings:

Please find enclosed the original and two copies of Respondents Presidential Financial Corporation & Security Federal Bank's Initial Brief, Designation of Matter and Certification of Counsel. Please file these documents and return clocked copies to this office via our courier.

By copy of this letter, and as evidenced on the attached Proof of Service, I am serving counsel of record with the same.

If you have any questions, do not hesitate to contact me.

Very truly yours,

Curtis L. Ott

Direct Dial: 803-724-1713

E-Mail: [cott@gwblawfirm.com](mailto:cott@gwblawfirm.com)

CLO/sm

Enclosures

cc: John S. Nichols  
Nekki Shutt  
Francis M. Mack  
Robert L. Buchanan, Jr.