

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE OCONEE COUNTY
Court of Common Pleas

The Honorable Alexander S. Macaulay,
Presiding Judge Seventh Judicial Circuit

RECEIVED

APR 25 2014

SC Court of Appeals

Appellate Case No. 2013-001404

STONELEDGE AT LAKE KEOWEE OWNERS' ASSOCIATION, INC., C. DAN CARSON, JEFFREY J. DAULER, JOAN W. DAVENPORT, MICHAEL FURNARI, DONNA FURNARI, JESSY B. GRASSO, NANCY E. GRASSO, ROBERT P. HAYES, LUCY H. HAYES, TY HIX, JENNIFER D. HIX, PAUL W. HUND, III, RUTH E. ISAAC, MICHAEL D. PLOURDE, MARY LOU PLOURDE, CAROL C. POPE, STEVEN B. TAYLOR, BETTE J. TAYLOR, AND ROBERT WHITE, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED..... PLAINTIFFS,

V.

IMK DEVELOPMENT CO., LLC, KEOWEE TOWNHOUSES, LLC, LUDWIG CORPORATION, LLC, SDI FUNDING, LLC, MEDALLION AT KEOWEE, LLC, INTEGRYS KEOWEE DEVELOPMENT, LLC, MARICK HOME BUILDERS, LLC, BOSTIC BROTHERS CONSTRUCTION, INC., MILLER/PLAYER & ASSOCIATES, JOHN LUDWIG, CLEAR VIEW CONSTRUCTION, LLC, MICHAEL FRANZ, MHC CONTRACTORS, MIGUEL PORRAS CHONCOAS, BUILDERS FIRST SOURCE SOUTHEAST GROUP, MIKE GREEN, SOUTHERN CONCRETE SPECIALTIES, CARL COMPTON D/B/A COMPTON ENTERPRIZE A/K/A COMPTON ENTERPRISES, GUNTER HEATING & AIR, ALL PRO HEATING, A/C & REFRIGERATION, LLC, COLEMAN WATERPROOFING, HEYWARD ELECTRICAL SERVICES, INC., TINSLEY ELECTRICAL, LLC, HUTCH N SON CONSTRUCTION, INC., CARL CATOE CONSTRUCTION, INC., T.G. CONSTRUCTION, LLC, DELFINO CONSTRUCTION, FRANCISCO JAVIER ZARATE D/B/A ZARATE CONSTRUCTION, ALEJANDRO AVALOS CRUZ, HERBERTO ACROS HERNANDEZ, MARTIN HERNANDEZ-AVILES, FRANCISCO VILLALOBOS LOPEZ, AMBROSIO MARTINEZ-RAMIREZ, ESTER MORAN MENTADO, SOCORRO CASTILLO MONTEL, UPSTATE UTILITIES, INC., SOUTHERN BASEMENTS, INC., MJG CONSTRUCTION AND HOMEBUILDERS, INC. D/B/A MJG CONSTRUCTION, KMAC, INC., D/B/A KMCA NORTH CAROLINA, EUFACIO GARCIA, EVERADO JARMAMILLO, GARCIA PARRA INSULATION, INC., J&J CONSTRUCTION, JOSE NINO, JOSE MANUEL GARCIA, EASON CONSTRUCTION, INC., AND VINCENT MORALES D/B/A MORALES MASONRYDEFENDANTS,

OF DEFENDANTS MARICK HOME BUILDERS, LLC AND RICK THOENNES..... APPELLANTS,

OF DEFENDANTS, BUILDERS FIRST SOURCE-SOUTHEAST GROUP, LLC, SOUTHERN CONCRETE SPECIALTIES, INC., CLEAR VIEW CONSTRUCTION, LLC AND MICHAEL FRANZ RESPONDENTS.

**RESPONDENTS BUILDERS FIRSTSOURCE-SOUTHEAST GROUP, LLC
AND SOUTHERN CONCRETE SPECIALTIES, INC., DESIGNATION OF MATTER**

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**RESPONDENTS' BUILDERS FIRSTSOURCE- SOUTHEAST GROUP, LLC
AND SOUTHERN CONCRETE SPECIALTIES, INC.
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL
Appellate Case No. 2013-01404**

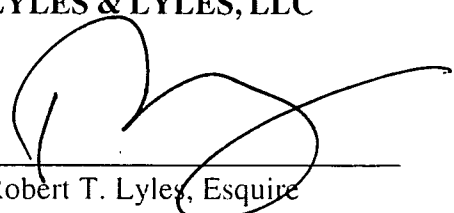
1. Original Complaint, dated May 29, 2009;
2. Third Amended Complaint of Stoneledge at Lake Keowee Owners' Association, Inc., dated April 3, 2012;
3. Answer to Third Amended Complaint and Cross-Claims of Marick Home Builders, LLC, dated April 5, 2012;
4. Respondents' Answer to Marick Home Builders, LLC,'s Cross-Claim;
5. Marick Home Builders, LLC's Answer to Third Amended Complaint;
6. Order Granting Builders FirstSource – Southeast Group, LLC, Carl Catoe Construction, Inc., and the Catoe Subcontractors' Motion to Dismiss and Motions for Summary Judgment;
7. Builders FirstSource – Southeast Group, LLC's Notice and Motion for Summary Judgment and/or to Dismiss;
8. Carl Catoe Construction, Inc. Motion and Motion for Summary Judgment and/or to Dismiss;
9. All Catoe Subcontractors' Motion to Dismiss and/or Summary Judgment;
10. Respondents' Motion and Memorandum in Support Motion to Dismiss and/or Summary Judgment, dated August 23, 2012;
11. Marick Home Builders, LLC and Rick Theonnes' Memorandum in Opposition to Builders FirstSource –Southeast Group, LLC, Carl Catoe Construction, Inc. and the Catoe Subcontractors' Motions for Summary Judgment and Motions to Dismiss along with all attached exhibits;
12. Builders FirstSource-Southeast Group, LLC's Memorandum in Support of Summary Judgment;

13. Carl Catoe Construciton, Inc.'s Memorandum in Support of Summary Judgment;
14. Catoe Subcontractors' Memoranda in Support of Summary Judgment and Motions to Dismiss;
15. Transcript of Proceedings dated September 5, 2012;
16. January 14, 2013 Order Granting Respondents' Motions to Dismiss and for Summary Judgment;
17. Marick Home Builders, LLC, and Rick Theonnes' Motion to Alter and Amend Judgment/ January 23, 2013 Motion for Reconsideration;
18. Marick Home Builders, LLC, and Rick Theonnes' Memorandum in Support of its Motion to Alter and Amend Judgment as to Carl Catoe Construction, Inc. and the Catoe Subcontractors, along with attached Exhibits;
19. Marick Home Builders, LLC, and Rick Theonnes' Memorandum in Support of its Motion to Alter and Amend Judgment as to Builders FirstSource—Southeast Group, LLC along with all attached Exhibits;
20. Respondents' Memoranda in Opposition to Marick Homes Builders, LLC and Rick Theonnes' Motion to Alter and Amend Judgment;
21. Order denying Marick Home Builders, LLC and Rick Theonnes' Motion to Alter and Amend Judgment, dated May 21, 2013;
22. Transcript of Proceedings dated April 10, 2013;
23. Verdict Form, filed November 8, 2013;
24. Contract between Marick Home Builders, LLC and Builders FirstSource—Southeast Group, LLC, dated October 2007.

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

LYLES & LYLES, LLC

By:



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April 18, 2014

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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The Honorable Alexander S. Macaulay

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STONELEDGE AT LAKE KEOWEE OWNERS' ASSOCIATION, INC., C. DAN CARSON, JEFFREY J. DAULER, JOAN W. DAVENPORT, MICHAEL FURNARI, DONNA FURNARI, JESSY B. GRASSO, NANCY E. GRASSO, ROBERT P. HAYES, LUCY H. HAYES, TY HIX, JENNIFER D. HIX, PAUL W. HUND, III, RUTH E. ISAAC, MICHAEL D. PLOURDE, MARY LOU PLOURDE, CAROL C. POPE, STEVEN B. TAYLOR, BETTE J. TAYLOR, AND ROBERT WHITE, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED.....PLAINTIFFS,

v.

IMK DEVELOPMENT CO., LLC, KEOWEE TOWNHOUSES, LLC, LUDWIG CORPORATION, LLC, SDI FUNDING, LLC, MEDALLION AT KEOWEE, LLC, INTEGRYS KEOWEE DEVELOPMENT, LLC, MARICK HOME BUILDERS, LLC, BOSTIC BROTHERS CONSTRUCTION, INC., MILLER/PLAYER & ASSOCIATES, JOHN LUDWIG, CLEAR VIEW CONSTRUCTION, LLC, MICHAEL FRANZ, MHC CONTRACTORS, MIGUEL PORRAS CHONCOAS, BUILDERS FIRST SOURCE SOUTHEAST GROUP, MIKE GREEN, SOUTHERN CONCRETE SPECIALTIES, CARL COMPTON D/B/A COMPTON ENTERPRIZE A/K/A COMPTON ENTERPRISES, GUNTER HEATING & AIR, ALL PRO HEATING, A/C & REFRIGERATION, LLC, COLEMAN WATERPROOFING, HEYWARD ELECTRICAL SERVICES, INC., TINSLEY ELECTRICAL, LLC, HUTCH N SON CONSTRUCTION, INC., CARL CATOE CONSTRUCTION, INC., T.G. CONSTRUCTION, LLC, DELFINO CONSTRUCTION, FRANCISCO JAVIER ZARATE D/B/A ZARATE CONSTRUCTION, ALEJANDRO AVALOS CRUZ, HERBERTO ACROS HERNANDEZ, MARTIN HERNANDEZ-AVILES, FRANCISCO VILLALOBOS LOPEZ, AMBROSIO MARTINEZ-RAMIREZ, ESTER MORAN MENTADO, SOCORRO CASTILLO MONTEL, UPSTATE UTILITIES, INC., SOUTHERN BASEMENTS, INC., MJG CONSTRUCTION AND HOMEBUILDERS, INC. D/B/A MJG CONSTRUCTION, KMAC, INC., D/B/A KMCA NORTH CAROLINA, EUFACIO GARCIA, EVERADO JARMAMILLO, GARCIA PARRA INSULATION, INC., J&J CONSTRUCTION, JOSE NINO, JOSE MANUEL GARCIA, EASON CONSTRUCTION, INC., AND VINCENT MORALES D/B/A MORALES MASONRY, DEFENDANTS,

OF DEFENDANTS MARICK HOME BUILDERS, LLC, AND RICK THOENNES.....APPELLANTS,

OF DEFENDANTS, BUILDERS FIRST SOURCE-SOUTHEAST GROUP, LLC, SOUTHERN CONCRETE SPECIALITIES, INC., CLEAR VIEW CONSTRUCTION, LLC AND MICHAEL FRANZ,.....RESPONDENTS.

PROOF OF SERVICE

I certify that I have served the Respondents BUILDERS FIRSTSOURCE-SOUTHEAST GROUP, LLC, and SOUTHERN CONCRETE SPECIALTIES, INC., INITIAL BRIEF AND DESIGNATION OF MATTER on all counsel of record by delivering same electronically, via email, or in the alternative by depositing a copy of it in the United States Mail, First Class postage prepaid, this 18th day of April, 2014, addressed to the following:

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APR 25 2014

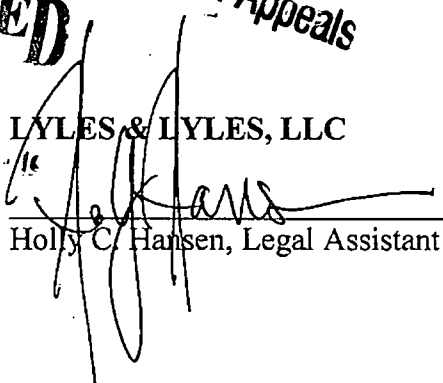
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SC Court

LYLES & LYLES, LLC

By:


Holly C. Hansen, Legal Assistant