

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. 2009-CP-26-10053

Appellate Case No. 2013-1281

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MAY 28 2014

SC Court of Appeals

Harleysville Group Insurance, a Pennsylvania corporation, Appellant/Respondent,

v.

Heritage Communities, Inc., a South Carolina Corporation;
Heritage Magnolia North, Inc., a South Carolina
Corporation; Buildstar Corporation, a South Carolina
Corporation, Magnolia North Horizontal Property Regime,
Magnolia North Property Owners Association, Inc., a South
Carolina Corporation and National Surety Corp.,
Defendants,,

Defendants,

Of whom Heritage Communities, Inc., a South Carolina
Corporation; Heritage Magnolia North, 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 Magnolia North Horizontal Property Regime, Magnolia
North Property Owners Association, Inc., a South Carolina
Corporation and Riverwalk at Arrowhead Country Club
Horizontal Property Regime; Riverwalk at Arrowhead
Country Club Property Owners Association, Inc. are.....

Respondents/Appellants.

APPELLANT/RESPONDENT'S AMENDED DESIGNATION
OF MATTER FOR THE RECORD ON APPEAL

Pursuant to Rule 209, SCACR, Appellant/Respondent Harleysville Group
Insurance ("Harleysville") submits its designations of matter for inclusion in the record

on appeal. These designations are in addition to the matters designated by opposing counsel in the Respondents'/Appellants' Designation of Matter. 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 700, 771-89, 842-89, 923-39, 956-57, 1734-43, 1762-70, 1809-1821.
12. Ex. 4: Fourth Amended Complaint in Underlying Liability Action, August 3, 2006.

13. Ex. 11: Transcript of Deposition of Mr. Lee Wright, August 3, 2010.
14. Ex. 12: Commercial General Insurance Policies issued by Harleysville to insureds relevant to this action.
15. Ex. 15: Harleysville's Reservation of Rights Letter to Insureds relevant to this action.
16. Ex. 17: Harleysville's chart regarding policies, limits, and aggregate remaining.
17. Ex. 20: Baiden Construction Report.
18. Ex. 22: Transcript of motion hearing in River Oaks matter.
19. Ex. 23: Affidavit of Roger Van Wie.
20. Ex. 24: Deposition Transcript of James Graham, December 2, 2008.
21. Ex. 25: Underlying verdict form (property regime and property owners' association), January 15, 2009.
22. Ex. 26: Underlying verdict form (individual homeowners), January 15, 2009.
23. Harleysville's chart "Riverwalk Data," submitted to the Special Referee as an attachment to its Proposed Order, February 16, 2012.

MISCELLANEOUS AND MOTIONS

24. Pre-Trial Brief of Magnolia North Horizontal Property Regime, et al., December 1, 2010.
25. Harleysville's Pre-Trial Brief, December 3, 2010.
26. Harleysville's Motion to Conform Evidence and Correct Mistake in Record, February 17, 2012.
27. Harleysville's Motion for Judgment as a Matter of Law and Directed Verdict, September 12, 2012.
28. 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.
29. Motion of Riverwalk at Arrowhead, et al. to Alter or Amend, March 20, 2013.

30. Harleysville's Motion to Alter or Amend, March 21, 2013.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

C. Mitchell Brown

SC Bar No. 012872

E-Mail: mitch.brown@nelsonmullins.com

William C. Wood, Jr.

SC Bar No. 015111

E-Mail: bill.wood@nelsonmullins.com

A. Mattison Bogan

SC Bar No. 72629

E-Mail: matt.bogan@nelsonmullins.com

Miles E. Coleman

SC Bar No. 78264

E-Mail: miles.coleman@nelsonmullins.com

1320 Main Street / 17th Floor

Post Office Box 11070 (29211-1070)

Columbia, SC 29201

(803) 799-2000

Robert C. Calamari

SC Bar No. 064985

E-Mail: bob.calamari@nelsonmullins.com

3751 Robert M. Grissom Parkway / Suite 300

Post Office Box 3939 (29578-3939)

Myrtle Beach, SC 29577-3165

(843) 448-3500

Attorneys for Appellant

Columbia, South Carolina

May 28, 2014

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
John M. Milling, Special Referee

Case Nos. 2009-CP-26-10053 & 2009-CP-26-11862
Appellate Case No. 2013-001281

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

v.

Heritage Communities, Inc., a South Carolina
corporation; Heritage Magnolia North, Inc., a
South Carolina corporation; Buildstar Corporation,
a South Carolina corporation; Magnolia North
Horizontal Property Regime; Magnolia North
Property Owners Association, Inc., a South
Carolina corporation, and National Surety Corp.,..... Defendants,

Of whom Heritage Communities, Inc., a South
Carolina corporation; Heritage Magnolia North,
Inc., a South Carolina corporation; Heritage
Riverwalk, a South Carolina corporation; Buildstar
Corporation, a South Carolina corporation, and
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 Magnolia North Horizontal Property Regime,
Magnolia North Property Owners Assoc., Inc., a
South Carolina corporation and Riverwalk at
Arrowhead Country Club Horizontal Property
Regime; Riverwalk at Arrowhead Country Club
Property Owners Association, Inc. are Respondents/Appellants.

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SC Court of Appeals

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellant/Respondent, 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 the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

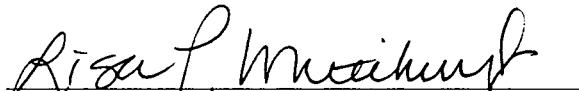
Appellant/Respondent's Amended Designation of Matter to be Included in the Record on Appeal

Counsel Served:

John P. Henry, Esquire
Philip C. Thompson, Esquire
Thompson & Henry
1300 Second Avenue, 3rd Floor
Conway, SC 29528

Laura Johnson Evans, Esquire
Smith Moore Leatherwood, LLP
25 Calhoun Street, Suite 250
Charleston, SC 29401

Karin McCarthy, Esquire
Rivkin Radler
926 RXR Plaza
Uniondale, NY 11556



Lisa P. Whitehurst
Administrative Assistant

May 28, 2014

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
1320 Main Street / 17th Floor / Columbia, SC 29201
Tel: 803.799.2000 Fax: 803.255.9025
www.nelsonmullins.com

Miles E. Coleman
Tel: 803.255.5549
Fax: 803.255.5908
miles.coleman@nelsonmullins.com

May 28, 2014

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, SC 29201

RE: Harleysville Group Insurance v. Heritage Communities, Inc. (Riverwalk)
C.A. No.: 2009-CP-26-10053
Appellate Case No. 2013-001281 (2013-001291 before consolidation of Record)
Our File No.: 00470.01581

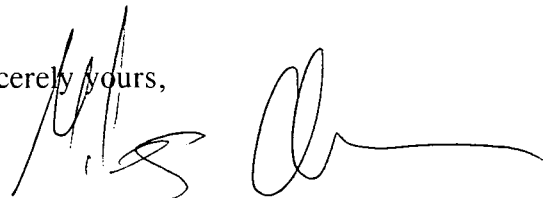
Dear Ms. Kitchings:

Pursuant to the Court's Order dated May 20, 2014, Appellant-Respondent Harleysville Group Insurance hereby files its Amended Designation of Matter to Be Included in the Record on Appeal. We would ask that you file the original and return a clocked-in copy to us via our courier.

By copy of this letter to counsel of record, we are serving them with copies of these pleadings.

With kind regards, I remain

Sincerely yours,



Miles E. Coleman

MEC:lpw
Enclosures

cc: John P. Henry, Esquire
Laura Johnson Evans, Esquire
Karin McCarthy, Esquire

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SC Court of Appeals