

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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OCT 02 2014

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

SC Court of Appeals

G. Thomas Cooper, Jr., Circuit Court Judge

Case No. 2013-CP-40-2655
Appellate Case No. 2014-000963

Allen Patterson, Steve Tilton, Richard Sendler, Lincoln Privette, Marc Ellis, Joey Carter, Barry Davis, Michael Nieri, Allen Patterson Residential LLC, Tilton Group, Sendler Construction Co., Inc., Privette Enterprises, Ellis Construction Co., Inc., The Barry Davis Company, Inc., Great Southern Homes, and J. Carter, LLC, on behalf of themselves and others similarly situated
..... Appellants,

v.

Herb Witter, Colin Campbell, Eddie Weaver, Tom Markovich, Keith Smith, Jim Gregorie, individually and as Trustees of the South Carolina Home Builders Self Insurers Fund, and the South Carolina Home Builders Self Insurers Fund..... Respondents,

**RESPONDENTS' DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

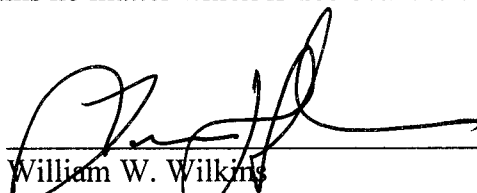
Respondents, by and through their undersigned counsel, propose the following be included in the Record on Appeal:

1. Order of The Honorable L. Casey Manning filed March 5, 2013;
2. Order Granting Motion for Removal filed April 22, 2013;
3. Order of The Honorable G. Thomas Cooper, Jr. filed November 12, 2013;
4. Order of The Honorable G. Thomas Cooper, Jr. filed February 11, 2014;
5. Order of The Honorable G. Thomas Cooper, Jr. filed April 2, 2014;
6. Complaint filed February 16, 2012;

7. Amended Complaint filed April 17, 2012;
8. Complaint filed April 9, 2013;
9. Removal filed April 9, 2013;
10. Transcript from motion hearing dated October 9, 2013;
11. Transcript from motion hearing dated January 14, 2014;
12. Affidavit of David Gully dated August 9, 2012;
13. Affidavit of Jeffrey Ranew dated March 15, 2012;
14. Affidavit of Jeffrey Ranew dated July 10, 2013;
15. Notice of Motion and Motion to Dismiss of Defendant South Carolina Home Builders Self Insurers Fund dated March 15, 2012;
16. Notice of Motion and Motion to Dismiss trustee defendants dated March 15, 2012;
17. Motion for Class Action dated June 1, 2012;
18. Plaintiffs' Motion for Class Certification dated July 9, 2012;
19. Notice of Motion and Motion to Dismiss of Defendant South Carolina Home Builders Self Insurers Fund dated July 3, 2012;
20. Notice of Motion and Motion to Dismiss of trustee defendants dated July 3, 2012;
21. Notice of Motion and Motion to Dismiss dated July 8, 2013;
22. Motion to Reconsider Order Denying Motion to Dismiss by Defendants dated November 27, 2013;
23. Motion to Reconsider of Plaintiffs dated March 3, 2014;
24. Consolidated Memorandum in Support of Motions to Dismiss by Defendants dated August 29, 2012;
25. Consolidated Memorandum in Support of Motions to Dismiss by Defendants dated October 2, 2013;
26. Memorandum in Opposition to Defendants' Motion to Dismiss dated October 8, 2013;
27. Memorandum in Opposition to Defendants' Motion to Reconsider dated January 6, 2014;

28. Reply to Plaintiffs' Memorandum in Opposition to Defendants' Motion to Reconsider dated January 10, 2014;
29. Defendants' Response in Opposition to Plaintiffs' Motion to Reconsider dated March 13, 2014;
30. Demand Letter dated January 30, 2013;
31. Response to Demand Letter dated April 16, 2014 and
32. Agreement and Declaration of Trust Creating The South Carolina Home Builders Self Insurers Fund

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



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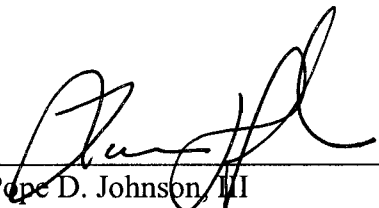
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Counsel for Respondents Herb Witter, Colin Campbell, Eddie Weaver, Tom Markovich, Keith Smith and Jim Gregorie, individually and as Trustees of the South Carolina Home Builders Self Insurers Fund

October 2, 2014
Columbia, South Carolina

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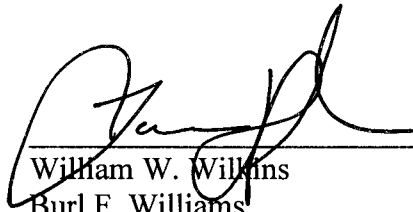
v.

Herb Witter, Colin Campbell, Eddie Weaver, Tom Markovich, Keith Smith, Jim Gregorie, individually and as Trustees of the South Carolina Home Builders Self Insurers Fund, and the South Carolina Home Builders Self Insurers Fund..... Respondents.

PROOF OF SERVICE

The undersigned hereby certifies that on October 2, 2014, he served the foregoing **RESPONDENTS' INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** on all counsel of record by placing a copy in the United States Mail, first class postage prepaid, addressed as follows:

James E. Bradley, Esq.
S. Jahue Moore, Esq.
Moore Taylor & Thomas, P.A.
P. O. Box 5709
West Columbia, SC 29171

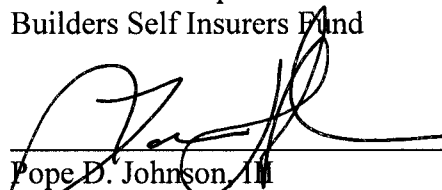


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Campbell, Eddie Weaver, Tom Markovich, Keith
Smith and Jim Gregorie, individually and as

Trustees of the South Carolina Home Builders Self
Insurers Fund

October 2, 2014
Columbia, South Carolina



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October 2, 2014

Via Hand Delivery

The Honorable Jenny Abbott Kitchings
Clerk, Court of Appeals
1015 Sumter Street
Columbia, SC 29211

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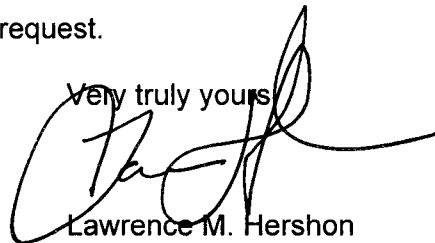
Re: Allen Patterson et al. vs. Herb Witter et al.
Appellate Case No. 2014-000963

Dear Ms. Kitchings:

Enclosed please find the original and two copies of Respondents Initial Brief, Designation of Matter to be Included in the Record on Appeal, and Proof of Service in the above-referenced lawsuit. Please file the original documents and return file-stamped copies to my courier.

By copy of this letter, I am today serving the Initial Brief, Designation of Matter to be Included in the Record on Appeal, and Proof of Service on counsel for Appellants.

Thank you for your attention to this request.

Very truly yours

Lawrence M. Hershon

LMH:dmc
Enclosure

cc: James E. Bradley, Esq. (w/enc.) – via U.S. Mail
S. Jahue Moore, Esq. (w/enc.) – via U.S. Mail
William W. Wilkins, Esq. (w/enc.) – via U.S. Mail
Burl F. Williams, Esq. (w/enc.) – via U.S. Mail
Pope D. Johnson, III (w/enc.) – via U.S. Mail

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