

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
William P. Keesley, Circuit Court Judge  
James W. Johnson, Jr., Circuit Court Judge

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Case No. 2005-CP-32-2712

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McGuinn Construction Management, Inc., ..... Appellant,

v.

Saul Espino and Mara Espino, ..... Respondents.

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Case No. 2008-CP-32-419

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Saul Espino and Mara Espino, ..... Respondents,

v.

Gates Commons, LLC, S. Wade McGuinn, Individually,  
and Town of Lexington, ..... Defendants,

Of whom, Town of Lexington, is ..... Appellant.

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**SC Court of Appeals**

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**APPELLANT TOWN OF LEXINGTON'S  
DESIGNATION OF MATTER TO BE  
INCLUDED IN RECORD ON APPEAL**

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The Appellant Town of Lexington proposes that the following be included in the Record on Appeal:

1. Order on Reconsideration of the Order of the Honorable James W. Johnson, Jr., as the Successor Judge under Rule 63 issued by Circuit Court Judge William P. Keesley, filed June 9, 2014
2. Order issued by the late Circuit Court Judge James W. Johnson, Jr., filed June 16, 2008
3. Order of Consolidation, filed March 27, 2012
4. Order Concerning Status, filed September 6, 2011
5. Order issued by the late Circuit Court Judge James W. Johnson, Jr., Civil Action Number 2005-CP-32-2712, filed October 31, 2007
6. Order issued by the late Circuit Court Judge James W. Johnson, Jr., Civil Action Number 2005-CP-32-2712, filed December 20, 2007
7. Complaint, Civil Action Number 2005-CP-32-2712, filed August 11, 2005
8. Amended Answer, Counterclaim and Third Party Complaint of the Defendants Saul and Mara Espino, Civil Action Number 2005-CP-32-2712, filed May 23, 2007
9. Answer to Third-Party Complaint, Civil Action Number 2005-CP-32-2712
10. Second Amended Complaint, Civil Action Number 2008-CP-32-419

11. Answer of Defendant Town of Lexington to Second Amended Complaint, Civil Action Number 2008-CP-32-419

12. Plaintiff's Motion for Summary Judgment, Civil Action Number 2005-CP-32-2712

13. Defendants' Motion for Summary Judgment, Civil Action Number 2005-CP-32-2712

14. Affidavit of Wade McGuinn, with attachments

15. Deed filed April 11, 1988, as recorded at Book 1064, pp. 302-306, Lexington County RMC


16. Notice of Motion and Motion for Reconsideration, filed July 10, 2008

17. Transcript of Motion Hearing, April 14, 2008

18. Transcript of Motion Hearing, October 7, 2013

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

DAVIDSON & LINDEMANN, P.A.

BY: 

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*Counsel for Appellant Town of Lexington*

Columbia, South Carolina

November 5, 2014

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Of whom, Town of Lexington, is ..... Appellant.

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**CERTIFICATE OF SERVICE**


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The undersigned employee of Davidson & Lindemann, P.A., counsel for the Appellant Town of Lexington, does hereby certify that service of the **Initial Brief of Appellant Town of Lexington and Appellant Town of Lexington's Designation of Matter to be Included in the Record on Appeal** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 5th day of November 2014:

Andrew A. Aun, Esquire  
Aun & McKay, P.A.  
Post Office Box 3568  
Irmo, South Carolina 29063

John S. Nichols, Esquire  
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# DAVIDSON & LINDEMANN, P.A.

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November 5, 2014

Of Counsel  
Kenneth P. Woodington

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The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: McGuinn Construction Management, Inc. v. Saul Espino and Mara Espino  
Civil Action Number: 2005-CP-32-2712

RE: Saul Espino and Mara Espino v. Gates Commons, LLC, S. Wade McGuinn, Individually,  
and Town of Lexington  
Appellate Case Number: 2014-001519  
Civil Action Number: 2008-CP-32-4192  
Claim Number: 690001CO3151  
Our File Number: 321.7443

Dear Ms. Kitchings:

Please find enclosed for filing the original and one copy of the **Initial Brief of Appellant Town of Lexington** and **Appellant Town of Lexington's Designation of Matter to be Included in the Record on Appeal** with regard to the above referenced matter. Please file the originals and return a clocked-in copy of each document to me in the enclosed envelope.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.

  
Andrew F. Lindemann

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AFL/  
Enclosures

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The Honorable Jenny Abbott Kitchings  
November 5, 2014  
Page Two

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cc: (w/Enclosures)

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