

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

William P. Keesley, Circuit Court Judge  
James W. Johnson, Jr., Circuit Court Judge

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Case No. 2005-CP-32-2712  
Case No. 2008-CP-32-4192

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**RECEIVED**  
FEB 09 2015  
**SC Court of Appeals**

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

v.

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

And

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

v.

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

Of whom

Town of Lexington, ..... Appellant.

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

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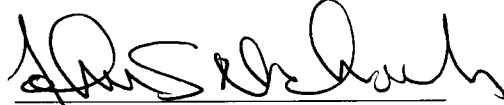
Respondents propose the following be included in the Record on Appeal:

1. Defendants' Memo in Opp. to Plaintiff's Motion for Summary Judgment Fourth Counterclaim, Exhibit 1;
2. Saul Espino Dep. p. 7;
3. Dep. Of Joe Boles, Exh. 1;

4. Tr. 12/22/09. p. 6;

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

Respectfully Submitted,



John S. Nichols, SC Bar # 4210

Blake A. Hewitt, SC Bar # 73674

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February 9, 2015

Attorneys for Respondents

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Individually, and Town of Lexington, ..... Defendants,

Of whom

Town of Lexington is the, ..... Appellant.

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**PROOF OF SERVICE**

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The undersigned hereby certifies that on the date indicated below she served counsel for the Appellants with a copy of the *Motion for the Court to Accept the Initial Brief of Respondents and Designation of Matter to be Included in the Record on Appeal Out of Time* and the conditionally filed *Initial Brief of Respondents and Designation of*

*Matter to be Included in the Record on Appeal* by mailing copies of the same by United States Mail with first class postage prepaid to the following addresses:

S. Jahue Moore  
John C. Bradley, Jr.  
Moore Taylor Law Firm, PA  
P.O. Box 5709  
West Columbia, SC 29171

Andrew F. Lindemann  
Davidson & Lindemann, PA  
P.O. Box 8568  
Columbia, SC 29202



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Erin Bridges  
BLUESTEIN, NICHOLS, THOMPSON  
& DELGADO, LLC

February 9, 2014  
Columbia, South Carolina



BLUESTEIN · NICHOLS · THOMPSON · DELGADO LLC  
ATTORNEYS AT LAW

February 9, 2015

**VIA HAND DELIVERY**

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

**RECEIVED**

FEB 09 2015

**SC Court of Appeals**

RE: McGuinn Construction v. Saul Espino  
Case Tracking No.: 2014-001519

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of a Motion for the Court to Accept the Initial Brief of Respondents and Designation of Matter to be Included in the Record on Appeal Out of Time. Also, please find enclosed the conditionally filed original and one (1) copy of the Initial Brief of Respondents and Designation of Matter to be Included in the Record on Appeal. I have also enclosed a proof of service upon counsel for the Appellants and a check in the amount of \$25.00 for filing this motion. Please return the additional filed copies to me via our courier.

Thank you for your attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

Erin Bridges  
Paralegal to John S. Nichols  
BLUESTEIN, NICHOLS, THOMPSON &  
DELGADO, LLC

/emb

Enclosures

cc: Andrew A. Aun, Esquire  
S. Jahue Moore, Esquire  
Andrew F. Lindemann, Esquire