

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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JUN 01 2015

APPEAL FROM LEXINGTON COUNTY  
In the Court of Common Pleas

**SC Court of Appeals**

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

Appellate Case No. 2014-001519

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 is.....Appellant.

**SUPPLEMENTAL RECORD ON APPEAL**

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STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

IN THE CIVIL COURT

McGUINN CONSTRUCTION  
MANAGEMENT, INC.,

Plaintiff,

-vs-

SAUL ESPINO AND  
MARA ESPINO

Defendants.

TRANSCRIPT OF RECORD

05-CP-32-2712

December 22, 2009  
Lexington, South Carolina

B E F O R E:

HONORABLE R. KNOX MCMAHON, Judge.

A P P E A R A N C E S:

BARRY L. THOMPSON, II, Esquire  
S. JAHUE MOORE, Esquire  
Attorneys for the Plaintiff

ANDREW A. AUN, Esquire  
Attorney for the Defendants

L. COCONUT PANTSARI, R.P.R.  
Circuit Court Reporter

1 protected in that regard.

2 MR. AUN: Thank you, Your Honor.

3 THE COURT: All right, Mr. Thompson.

4 MR. THOMPSON: Your Honor, may it please the  
5 Court. The Court is very aware of the procedure of this  
6 matter. Before Judge Johnson, in the hearing over a  
7 year ago, there were essentially dual, competing motions  
8 for summary judgment in this matter. This case concerns  
9 a sewer easement and essentially the scope of a sewer  
10 easement.

11 Basically Plaintiff's claims and most of  
12 Defendant's counterclaims really depend on whether or  
13 not, (A), there is an easement; (B), the plaintiff is  
14 allowed to operate in the easement; and, (C), what the  
15 scope of the easement was.

16 The Court heard these competing motions for  
17 summary judgment, and if I may approach.

18 THE COURT: Yes, sir.

19 (Attorneys confer).

20 MR. THOMPSON: Both of these documents should  
21 be in the Court's file.

22 THE COURT: All right.

23 MR. THOMPSON: They were the only pieces of  
24 evidence that were presented before the Court at the  
25 motion hearing -- at the motion hearing. The only

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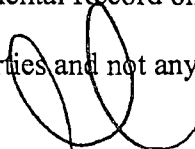
v.

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

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

**CERTIFICATE OF COUNSEL**

The undersigned certifies that the Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material.



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June 1, 2015

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**PROOF OF SERVICE**

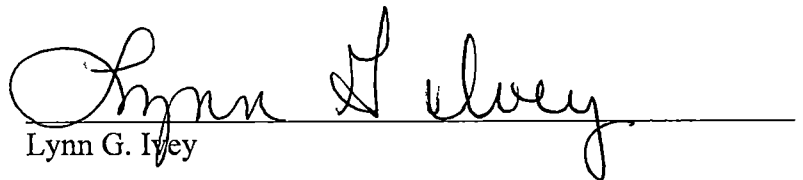
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I, Lynn G. Ivey, an employee of Moore Taylor Law Firm, P.A., certify that I have on this day effected service of the Supplemental Record on Appeal upon counsel of record, by placing a copy of same in the United States mail in an envelope with sufficient postage affixed thereto, addressed as listed below.

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June 1, 2015