

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2013-CP-10-5559
Appellate Case No. 2015-000201

Madison at Hamlin Plantation
Townhome Association, Inc.,
and Sandy Randall and Cherie
Berotti, individually and on
behalf of all others similarly
situated,

Respondents,

v.

Builders Support Services of
the Carolinas, Inc. individually
and f/k/a John Wieland
Homes and Neighborhoods of
the Carolinas, Inc. individually
and f/k/a John Wieland
Homes and Neighborhoods of
NC, Inc. individually and f/k/a
John Wieland Homes and
Neighborhoods of SC, Inc.,
John Wieland Homes of SC,
Inc., John Wieland Homes,
Inc., John Wieland Homes of
Charleston, Inc.,

Appellants.

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


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Appellants propose that the following be included in the Record on Appeal:

1. Summons and Complaint (9/20/13);
2. Amended Summons and Complaint (2/24/14);
3. Respondents' Motion for Class Certification (2/24/14);
4. Affidavit of Russell T. Mease, PE (2/24/14);
5. Affidavit of Sandy Randall (2/24/14);
6. Affidavit of Cherie Berotti (2/24/14);
7. Affidavit of Justin Lucey (2/24/14);
8. Appellants Notice and Motion to Compel Arbitration as to Cherie Berotti (4/7/14);
9. Appellants Memorandum in Support of Motion to Compel Arbitration as to Cherie Berotti (4/7/14);
10. Affidavit of F. Robert Parker (4/7/14);
11. Appellants' Memorandum in Opposition to Respondents' Motion for Class Certification (9/8/14);
12. Affidavit of Brett Newkirk (9/8/14);
13. Affidavit of Dennis Black (9/8/14);
14. Respondents' Notice of Filing Exhibits in Support of Respondents' Memorandum in Support of Class Certification and in Support of Respondents' Memorandum in Opposition to Appellants' Motion to Compel Arbitration as to Plaintiff Berotti (9/9/14);
15. Mease Report, listed on Respondents' Notice of Filing Exhibits in Support of Respondents' Memorandum in Support of Class Certification and in Support of Respondents' Memorandum in Opposition to Appellants' Motion to Compel Arbitration as to Plaintiff Berotti (9/9/14);
16. Respondents' Memorandum in Opposition to Defendant Wieland's Motion to Compel Arbitration as to Plaintiff Berotti (9/9/14);
17. Notice of Filing Exhibits in Support of Appellants' Motion to Compel Arbitration as to Cherie Berotti (9/9/14);

18. Appellants' Reply Memorandum in Support of Appellants' Motion to Compel Arbitration as to Cherie Berotti (9/10/14);
19. Second Amended Summons and Complaint (9/10/14);
20. Form 4 Order Granting Respondents' Motion for Class Certification (9/17/14);
21. Respondents' Answer to Second Amended Complaint, Cross Claims and Third-Party Complaint (9/24/14);
22. Order Granting Respondents' Motion for Class Certification (9/29/14);
23. Form 4 Order Denying Appellants' Motion to Compel Arbitration (1/21/15);
24. Transcript of Hearing (9/10/14).

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



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Attorneys for Appellants

June 24, 2015

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R. Markley Dennis, Jr., Circuit Court Judge

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NC, Inc. individually and f/k/a
John Wieland Homes and
Neighborhoods of SC, Inc.,
John Wieland Homes of SC,
Inc., John Wieland Homes,
Inc., John Wieland Homes of
Charleston, Inc.,

Appellants.

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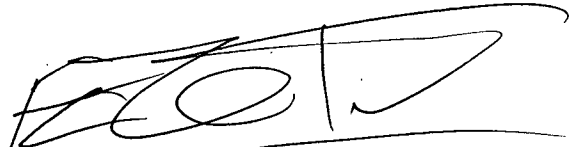
JUN 26 2015

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PROOF OF SERVICE

I certify that I have served **INITIAL BRIEF OF APPELLANTS AND APPELLANTS' DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** on Respondents by delivering a copy of it in the United States Mail, postage prepaid, on June 24, 2015 addressed as follows:

Justin O. Lucey, Esq.
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Charleston, SC
Charlotte, NC
Columbia, SC
Raleigh, NC
Spartanburg, SC

June 24, 2015

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

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Re: Madison at Hamlin Plantation Townhome Association, Inc. and Sandy Randall and Cherie Berotti, individually, and on behalf of all others similarly situated v. Builders Support Services of the Carolinas, Inc., et al.
Case No.: 2013-CP-10-5559

Dear Ms. Kitchings:

Enclosed herewith please find the original and one copy of the Initial Brief and Designation of Matter, along with a Proof of Service in the above-referenced matter. Please file the documents and return filed-stamped copies to me.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions. By copy of this letter, we are serving same on all counsel of record.

With best regards,

Elliott Quinn

FEQ/lah
Enclosure

cc: Justin O. Lucey, Esq. (*via email and US Mail*)
Joshua F. Evans, Esq. (*via email and US Mail*)

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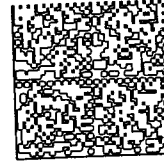
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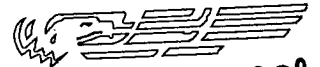
To:

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