

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Clifton Newman, Circuit Court Judge

Case No. 2010-CP-26-03901

RECEIVED
JUL 06 2015
SC Court of Appeals

Rivergate Homeowners'
Association,

Appellant,

v.

WW & LB Development
Company, LLC, RWG, Inc.,
Aiello Associates, Daniels
Engineering, Inc., Rivergate
Homeowners' Association,
Rivergate Homeowners'
Association Board of
Directors, Wayne Winderman,
individually, Salvatrice Foran,
individually, Gerald Foran,
individually, Marcos Soares
Construction, William C.
DeSouza, individually, James
Eason individually and d/b/a
James Eason & Company,
D&D Cleaning and
Construction, Inc., Joel's
Framing, Joe Freza, Aroldo
Garcia, Joaquin Geraldo
Zeferinao, individually and
d/b/a Zeferino Framing, Leo
Trombley, Judy Schultz, J&D
Interior Design, Jose
Dasmerces d/b/a J.P.
Construction, Scott Chandler

d/b/a Coastal Custom
Windows & Doors, R&D
Construction, Nicasio
Ramirez Zunigo, Walchir
Morais, Marco Trebbi,
Blankenship Roofing,
Inc., DLJ Construction,
LLC, Dewayne Bates, The
Bates Group, LLC, Bridges
Construction Co., Brewer
Construction, Inc., Speedy
Concrete, REB-FEL, Inc.,
Mark Mychajluk, Eric
Jazwinski, Southern
Framing Corporation,
AB Consulting
Engineers, Inc., WWI
Development
Company, LLC, Michael
Dawson Construction,
Inc., Asphalt Paving &
Maintenance Co., Inc.
and Chuck's Construction
Co., Inc., Right Way
Group, Inc., Stevens
Construction Co., Inc.,
Geometrics, Inc., Eric
Yazwinski, Law
Engineering, Inc., D & M
Builders, Inc., Hill
Construction Company,
Bonnie Stone a/k/a
Bonny Stone, DJL
Construction Company,
L.L.P., Adrian Mondragon,
individually and d/b/a
Mondragon Construction,
Inc., and Glen Causey,

Defendants,

Of Whom Speedee Concrete,
Inc. and Chuck's Construction,
Inc. are the

Respondents.

Chuck's Construction Co., Inc.,

Third-Party Plaintiff,

v.

Vereen Concrete Co., Inc. and
Asphalt Pavement Maintenance
of Myrtle Beach, Inc.,

Third-Party Defendants,

Rivergate Homeowners' Association,

Appellant,

v.

WW & LB Development
Company, LLC, Speedy
Concrete, AB Consulting
Engineers, Inc., and Chuck's
Construction Co., Inc.,

Defendants,

Of Whom AB Consulting
Engineers, Inc. is the

Respondent.

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

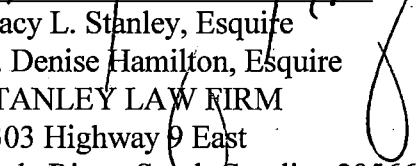
Appellant proposes the following be included in the Record on Appeal:

1. Complaint;
2. Amended Complaint;
3. Second Amended Complaint;
4. Chuck's Construction Co. Inc.'s Motion for Summary Judgment;
5. Speedy Concrete, Inc.'s Motion for Summary Judgment;
6. AB Consulting Engineers, Inc.'s Motion for Summary Judgment;
7. Order Granting Summary Judgment to Chuck's Construction Co. Inc.;
8. Order Granting Summary Judgment to Speedy Concrete, Inc.;
9. Order Granting Summary Judgment to AB Consulting Engineers, Inc.;
10. Order Denying Plaintiffs' Motion for Reconsideration of Order Granting
AB Consulting Engineers, Inc.'s Motion for Summary Judgment;
11. Order Denying Plaintiffs' Motion for Reconsideration of Order Granting
Speedy Concrete, Inc.'s Motion for Summary Judgment;

12. Order Denying Plaintiffs' Motion for Reconsideration of Order Granting Chuck's Construction Co. Inc.'s Motion for Summary Judgment;
13. Luther Bellamy's Deposition (pp. 28-29);
14. Kimley-Horn and Associates, Inc. report;
15. Agreement Between Owner and Engineer for Professional Services (AB Consulting Engineers, Inc.'s contract);
16. Contract Agreement Between WW & LB and Chuck's Construction Company;
17. Rivergate HOA Letter dated September 12, 2007;
18. Affidavit of J. Drew Wilkie, P.E.;
19. WW & LB letter dated September 16, 2007;
20. Minutes of Rivergate Home Owners Meeting November 4, 2006;
21. Rivergate HOA letter dated July 6, 2005;
22. Horry County Land Records for WW & LB Development Co., LLC;
23. Master Deed for Rivergate Horizontal Property Regime and By-Laws of Rivergate Homeowners' Association, Inc.;
24. J. Drew Wilkie Depositions, Volumes I and II;
25. Transcript of Record dated January 17, 2014;
26. Transcript of Record dated September 8, 2014

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

July 2, 2015


Stacy L. Stanley, Esquire
V. Denise Hamilton, Esquire
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Attorney for Appellant

THE STATE OF SOUTH CAROLINA
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APPEAL FROM Horry COUNTY
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SC Court of Appeals

Case No. 2010-CP-26-03901

Rivergate Homeowners' Association, Appellant,

v.

WW & LB Development Company, LLC, Speedy Concrete, AB Consulting Engineers, Inc., and Chuck's Construction Co., Inc., Defendants.

Of Whom Speedy Concrete, AB Consulting Engineers, Inc., and Chuck's Construction Co., Inc. are Respondents.

PROOF OF SERVICE

I certify that I have served the Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal on the following Respondents, Speedy Concrete, AB Consulting Engineers, Inc., and Chuck's Construction Co., Inc., by depositing a copy of it in the United States Mail, postage prepaid, on July 2, 2015, addressed to their attorneys of record as follows:

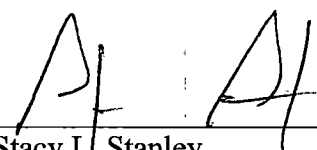
G. Michael Smith, Esquire
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1300 Second Avenue, Third Floor
Attorney for Speedee Concrete, Inc

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Attorney for Chuck's Construction, Inc. (Co-Counsel)

Dated: July 2, 2015



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SC Court of Appeals

VIA U.S. Mail

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

Re: Rivergate Homeowners' Association, Appellant v. WW & LB Development Company, LLC, et al., of whom Speedy Concrete, Inc., Chuck's Construction, Inc., and AB Consulting Engineers, Inc. are the Respondents
Case No. 2010-CP-26-03901

Appellate Case No. 2015-000248

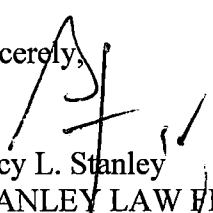
Dear Ms. Kitchings:

Enclosed for filing is the Initial Brief of Appellant, with regard to the above-referenced matter. Also included is the Proof of Service and Designation of Matter to be Included in the Record on Appeal.

Please file the original and return a filed copy to me in the self-addressed, stamped envelope provided.

By copy of this letter, I am serving the same upon opposing counsel.

Sincerely,


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SLS/vdh

Enclosures

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