

**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-10-559
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.

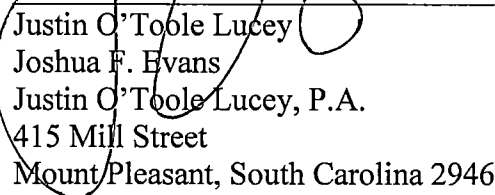
**RESPONDENTS' DESIGNATION OF MATTER TO BE INCLUDED IN THE
RECORD ON APPEAL**

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

1. Summon 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, P.E. (2/24/14);
5. Affidavit of Sandy Randall (2/24/14);
6. Affidavit of Cherie Berotti (2/24/14);
7. Affidavit of Justin Lucey, Esq. (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' Memorandum in Support of Class Certification (9/9/14);
15. Respondents' Memorandum in Opposition to Defendant Wieland's Motion to Compel Arbitration as to Plaintiff Berotti (9/9/14);
16. 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);
17. 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);
18. Madison Townhome Association Covenants 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);

19. Berotti Sales Contract 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);
20. Berotti Enrollment Form 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);
21. Wieland 5/20 Warranty 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);
22. Wieland Marketing Brochure 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);
23. Notice of Filing Exhibits in Support of Appellants' Motion to Compel Arbitration as to Cherie Berotti (9/9/14);
24. Certificate of Occupancy for Berotti's home contained in Appellants' Notice of Filing Exhibits in Support of Appellants' Motion to Compel Arbitration as to Cherie Berotti (9/9/14);
25. Homebuyer Profile contained in Appellants' Notice of Filing Exhibits in Support of Appellants' Motion to Compel Arbitration as to Cherie Berotti (9/9/14);
26. Contract Checklist contained in Appellants' Notice of Filing Exhibits in Support of Appellants' Motion to Compel Arbitration as to Cherie Berotti (9/9/14);
27. Appellants' Reply Memorandum in Support of Appellants' Motion to Compel Arbitration as to Cherie Berotti (9/10/14);
28. Second Amended Summons and Complaint (9/10/14);
29. Transcript of Hearing (9/10/14);
30. Form 4 Order Granting Respondents' Motion for Class Certification (9/17/14);
31. Order Granting Respondents' Motion for Class Certification (9/29/14);
32. Deposition Transcript of F. Robert Parker, Appellants' Rule 30(b)(6) designee (11/18/14);
33. Form 4 Order Denying Appellants' Motion to Compel Arbitration (1/21/15).

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



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Joshua F. Evans
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(843) 849-8400
Attorneys for Respondents

July 24, 2015

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-10-559
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SC Court of Appeals

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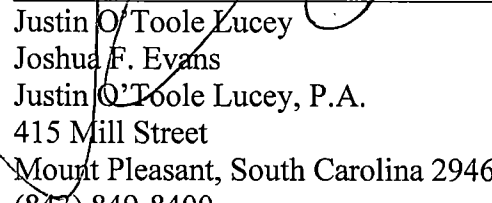
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John Wieland Homes and
Neighborhoods of SC, Inc.,
John Wieland Homes of SC,
Inc., John Wieland Homes,
Inc., John Wieland Homes of
Charleston, Inc.,

Appellants.

PROOF OF SERVICE

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

Thomas C. Hildebrand, Jr., Esq.
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July 24, 2015

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Justin Lucey
Joshua F. Evans
Stephanie D. Drawdy
Dabny Lynn
James L. Floyd, III

Reply to:
P.O. Box 806
Mt. Pleasant, SC 29465

July 24, 2015

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SC Court of Appeals

BY REGULAR MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court Of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

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.*

Appeal from the Charleston County, Court of Common Pleas

Case Action No.: 2013-CP-10-559

Appellate Case No.: 2015-000201

Dear Ms. Kitchings:

Enclosed please find the original and one copy of the following documents in the above-referenced consolidated appellate matters which are being submitted on behalf of the Respondent Madison at Hamlin Plantation Townhome Association, Inc., and Sandy Randall and Cherie Berotti, individually and on behalf of all others similarly situated:

1. *Initial Brief of the Respondent;*
2. *Respondent's Designation of Matter to be Included in the Record on Appeal; and*
3. *Respondent's Proof of Service.*

I would greatly appreciate you filing these pleadings with the Court of Appeals and returning a date stamped copy of each to my attention in the enclosed self-addressed, stamped envelope.

If you need anything else or I otherwise may be of any assistance to you or to the Court of Appeals regarding this matter, please feel free to contact me.

Best regards,

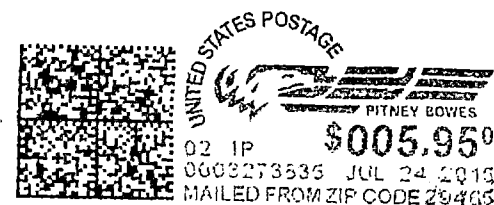
Joshua F. Evans

Enclosure

July 24, 2015
Page 2 of 2

Cc: Thomas C. Hildrebrand, Jr., Esq.
Kristina Y. Baxley, Esq.
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The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter St.
Columbia, SC 29201

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