

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

AUG 03 2015

SC Court of Appeals

G. Thomas Cooper, Circuit Court Judge

Case No. 2012-CP-40-8512

Appellant Case No. 2015-000180

The Gates At Williams-Brice  
Condominium Association And  
Katharine Swinson, individually, and  
on behalf of all others similarly  
situated,

Respondents,

v.

DDC Construction, Inc.; Kapasi Glass  
Mart, Inc.; DMC Consolidated, Inc.;  
DMC Builders, Co. Inc., individually  
and d/b/a The Dinerstein Companies;  
DC Developers – Columbia Condos,  
Inc.; Columbia Condos, LP; DMC  
Developers I, Ltd.; 31-W Insulation  
Company, Inc.; Associated Concrete  
Contractors, Inc.; Bailey Electric  
Company, LLC; C&B Utilities, LP;  
Carolina Floor Systems, Inc.; Century  
Fire Protection, LLC; Cherokee Inc.;  
Coronado Stucco, LP; Cross Plains  
Custom Tile, Inc.; Lowry  
Construction & Framing Inc.; LTB  
Construction, Inc.; Martin Morales Jr.  
Painting & Drywall, LLC; Metal  
Construction Materials, Inc.;  
Southwest Ironworks, Inc.; The  
Clerkley/Watkins Group, LP; Tindall  
Corporation; Triad Pest Control, Inc.;  
Wyman Acoustics LLC; Alenco  
Holding Corporation, Alenco  
Window GA, LLC, New Alenco

Window, Ltd.; AWC Holding Company; Crosby Window, Inc., f/k/a/ Action WinDoor Technology, Inc.; Geo-Systems Design & Testing, Inc.; HGE Consulting, Inc.; Maintenance Builders Supply, Ltd.; SCA Engineers, Inc.; Sinclair & Associates, Inc.; Faultless Hardware, individually and d/b/a Pamex Inc.; T & M Concrete, Inc.; Loveless Commercial Contracting, Inc.; Economy Waterproofing, Inc.; BMC West Corporation; Highway One Construction, Inc.; J.I. Windows LLC; Dietrich Industries, Inc., a/k/a Dietrich Metal Framing, Inc., n/k/a Clarkwestern Dietrich Building Systems LLC; HCM Utah, LLC; Headwaters, Inc. d/b/a Best Masonry; Labrador Electric Company; AAA Accurate Plumbing, Heating & Air, LLC, f/k/a AAA Accurate Plumbing Solutions Division of AAA Accurate Backflow Testing & Repair, LLC; Time Warner Cable Southeast, LLC; Southern Equipment Company, Inc., d/b/a Ready Mixed Concrete Company; and John Doe #1-10.,

Defendants,

v.

Of whom DDC Construction, Inc.; DMC Consolidated, Inc.; DMC Builders, Co., Inc., individually and improperly identified as d/b/a The Dinerstein Companies; DC Developers - Columbia Condos, Inc.; Columbia Condos, LP; DMC Developers I, Ltd.; Associated Concrete Contractors, Inc.; Bailey Electric Company, LLC; C&B Utilities, LP; Carolina Floor Systems, Inc.; Century Fire Protection, LLC; Cherokee Inc.; Coronado Stucco, LP; Cross Plains Custom Tile, Inc.; Lowry Construction & Framing Inc.; LTB Construction, Inc.; Martin Morales Jr, Painting & Drywall, LLC; Metal Construction Materials, Inc.; Wyman Acoustics LLC; and Highway One Construction, Inc. are

Appellants.

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**RESPONDENT'S DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL AND CERTIFICATION**

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*Attorneys for the Respondent*

Pursuant to Rule 209, SCACR, Respondents designate the following material for inclusion in the record on appeal:

**ORDERS**

1. Order of the Honorable G. Thomas Cooper, Jr., Denying Dinerstein and OCIP Defendants' Motion for Non-Jury Trial and to Strike Plaintiffs' Class Action Allegations and Jury Trial Demand filed July 18, 2014;
2. Order of the Honorable G. Thomas Cooper, Jr., Denying Defendants' Motion to Reconsider filed January 22, 2015;

**PLEADINGS**

3. Complaint filed December 26, 2012;
4. Defendant DDC Construction, Inc.'s Answer to Plaintiffs' Complaint filed March 7, 2013;
5. Amended Complaint filed May 15, 2013;
6. Defendant DDC Construction, Inc.'s Answer to Plaintiffs' Amended Complaint filed July 5, 2013;
7. Defendant DDC Construction, Inc.'s Amended Answer to Plaintiffs' Amended Complaint filed August 5, 2013;
8. Defendant Columbia Condos, LP's Answer to Plaintiffs' Amended Complaint filed August 5, 2013;
9. Defendant DC Developers - Columbia Condos, Inc.'s Answer to Plaintiffs' Amended Complaint filed August 5, 2013;
10. Defendant DMC Builders Co., Inc., Individually and d/b/a The Dinerstein Companies' Answer to Plaintiffs' Amended Complaint filed August 5, 2013;
11. Defendant DMC Consolidated, Inc.'s Answer to Plaintiffs' Amended Complaint filed August 5, 2013;
12. Defendant DMC Developers I, Ltd.'s Answer to Plaintiffs' Amended Complaint filed August 5, 2013;
13. Defendant Associated Concrete Contractors, Inc.'s Answer to Plaintiffs' Amended Complaint filed August 15, 2013;
14. Defendant Bailey Electric Company, LLC's Answer to Plaintiffs' Amended Complaint filed August 15, 2013;

15. Defendant C&B Utilities, LP's Answer to Plaintiffs' Amended Complaint filed August 15, 2013;
16. Defendant Carolina Floor Systems, Inc.' s Answer to Plaintiffs' Amended Complaint filed August 15, 2013;
17. Defendant Cherokee Inc.'s Answer to Plaintiffs' Amended Complaint filed August 15, 2013;
18. Defendant Coronado Stucco, LP's Answer to Plaintiffs' Amended Complaint filed August 15, 2013;
19. Defendant Cross Plains Custom Tile, Inc.' s Answer to Plaintiffs' Amended Complaint filed August 15, 2013;
20. Defendant Lowry Construction & Framing Inc.'s Answer to Plaintiffs' Amended Complaint filed August 15, 2013;
21. Defendant Martin Morales Jr. Painting & Drywall, LLC's Answer to Plaintiffs' Amended Complaint filed August 15, 2013;
22. Defendant Metal Construction Materials, Inc.'s Answer to Plaintiffs' Amended Complaint filed August 15, 2013;
23. Defendant Wyman Acoustics LLC's Answer to Plaintiffs' Amended Complaint filed August 15, 2013;
24. Defendant LTB Construction, Inc.'s Answer to Plaintiffs' Amended Complaint filed August 15, 2013;
25. Defendant Century Fire Protection, LLC's Answer to Plaintiffs' Amended Complaint filed August 15, 2013;
26. Second Amended Complaint filed February 19, 2014;
27. Defendant Bailey Electric Company, LLC's Answer to Plaintiffs' Second Amended Complaint filed March 13, 2014;
28. Defendant LTB Construction, Inc.'s Answer to Plaintiffs' Second Amended Complaint filed March 21, 2014;
29. Defendant Associated Concrete Contractors, Inc.'s Answer to Plaintiffs' Second Amended Complaint filed March 21, 2014;
30. Defendant C&B Utilities, LP's Answer to Plaintiffs' Second Amended Complaint filed March 21, 2014;
31. Defendant Century Fire Protection, LLC's Answer to Plaintiffs' Second Amended Complaint filed March 21, 2014

32. Defendant Cherokee, Inc.'s Answer to Plaintiffs' Second Amended Complaint filed March 21, 2014;
33. Defendant Columbia Condos, Inc.'s Answer to Plaintiffs' Second Amended Complaint and Cross-Claims filed March 21, 2014;
34. Defendant Coronado Stucco, LP's Answer to Plaintiffs' Second Amended Complaint filed March 21, 2014;
35. Defendant Cross Plains Custom Tile, Inc. 's Answer to Plaintiffs' Second Amended Complaint filed March 21, 2014;
36. Defendant DC Developers - Columbia Condos, Inc.'s Answer to Second Amended Complaint filed March 21, 2014;
37. Defendant DDC Construction, Inc.'s Answer to Plaintiffs' Second Amended Complaint and Cross-Claims filed March 21, 2014;
38. Defendant DMC Consolidated, Inc.'s Answer to Plaintiffs' Second Amended Complaint filed March 21, 2014;
39. Defendant DMC Developers I, Ltd.'s Answer to Plaintiffs' Second Amended Complaint filed March 21, 2014;
40. Defendant Highway One Construction, Inc.'s Answer to Plaintiffs' Second Amended Complaint filed March 21, 2014;
41. Defendant Lowry Construction & Framing, Inc.'s Answer to Plaintiffs' Second Amended Complaint filed March 21, 2014;
42. Defendant Martin Morales, Jr. Painting & Drywall's Answer to Plaintiffs' Second Amended Complaint filed March 21, 2014;
43. Defendant Metal Construction Materials, Inc. 's Answer to Plaintiffs' Second Amended Complaint filed March 21, 2014;
44. Defendant Wyman Acoustics, LLC's Answer to Plaintiffs' Second Amended Complaint filed March 21, 2014;
45. Defendant DMC Builders Co., Inc.'s Answer to Plaintiffs' Second Amended Complaint filed March 21, 2014;
46. Defendant Carolina Floor Systems, Inc.'s Answer to Plaintiffs' Second Amended Complaint filed March 24, 2014;
47. Third Amended Complaint filed August 7, 2014;
48. Defendant Bailey Electric Company's Answer to Plaintiffs' Third Amended Complaint filed September 2, 2014;

49. Defendant Associated Concrete Contractors, Inc.'s Answer to Plaintiffs' Third Amended Complaint filed September 5, 2014;
50. Defendant C&B Utilities, LP's Answer to Plaintiffs' Third Amended Complaint and Cross-Claims filed September 5, 2014;
51. Defendant Carolina Floor Systems, Inc.'s Answer to Plaintiffs' Third Amended Complaint and Cross-Claims filed September 5, 2014;
52. Defendant Century Fire Protection, LLC's Answer to Plaintiffs' Third Amended Complaint filed September 5, 2014;
53. Defendant Columbia Condos, Inc.'s Answer to Plaintiffs' Third Amended Complaint and Cross-Claims filed September 5, 2014;
54. Defendant Coronado Stucco's LP's Answer to Plaintiffs' Third Amended Complaint and Cross-Claims filed September 5, 2014;
55. Defendant DC Developers - Columbia Condos, Inc.'s Answer to Plaintiffs' Third Amended Complaint filed September 5, 2014;
56. Defendant DDC Construction, Inc.'s Answer to Plaintiffs' Third Amended Complaint and Cross-Claims filed September 5, 2014;
57. Defendant DMC Builders Co., Inc.'s Answer to Plaintiffs' Third Amended Complaint filed September 5, 2014;
58. Defendant DMC Developers I, Ltd.'s Answer to Plaintiffs' Third Amended Complaint filed September 5, 2014;
59. Defendant DMC Consolidated, Inc.'s Answer to Plaintiffs' Third Amended Complaint filed September 5, 2014;
60. Defendant Highway One Construction, Inc.'s Answer to Plaintiffs' Third Amended Complaint filed September 5, 2014;
61. Defendant Lowry Construction & Framing, Inc.'s Answer to Plaintiffs' Third Amended Complaint filed September 5, 2014;
62. Defendant LTB Construction, Inc.'s Answer to Plaintiffs' Third Amended Complaint filed September 5, 2014;
63. Defendant Metal Construction Materials, Inc.'s Answer to Plaintiffs' Third Amended Complaint filed September 5, 2014;
64. Defendant Martin Morales, Jr. Painting & Drywall's Answer to Plaintiffs' Third Amended Complaint filed September 5, 2014;

65. Defendant Cherokee, Inc.'s Answer to Plaintiffs' Third Amended Complaint filed September 5, 2014;
66. Defendant Cross Plains Custom Tile, Inc.'s Answer to Plaintiffs' Third Amended Complaint filed September 5, 2014;
67. Defendant Wyman Acoustics, LLC's Answer to Plaintiffs' Third Amended Complaint filed September 5, 2014;

#### **MOTIONS**

68. Appellants' Motion for Non-Jury Trial and to Strike Plaintiffs' Class Action Allegations and Jury Trial Demand filed March 24, 2014;
69. Respondents' Memorandum in Opposition to Appellants' Motion for Non-Jury Trial and to Strike Plaintiffs' Class Action Allegations and Jury Trial Demand filed June 9, 2014;
70. Appellants' Motion to Reconsider filed August 1, 2014;

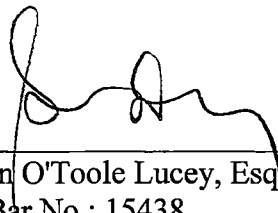
#### **TRANSCRIPTS**

71. Transcript of Hearing of June 9, 2014;

#### **MISCELLANEOUS**

72. Notice of Appeal filed January 29, 2015;
73. Amended Notice of Appeal filed February 3, 2015;
74. Master Deed and Bylaws of the Gates at Williams Brice-Homeowners Association;
75. Second Amendment to the Master Deed of the Gates at Williams-Brice Horizontal Property Regime;
76. Plaintiffs' Deposition Exhibits: 9, 11, 13, and 14;
77. William Yarborough's Deposition Exhibits: 1, 29, and 30; and
78. *The Gates at Williams-Brice Condominium Assoc., et al v. DDC Construction, Inc., et al*, Case No.: 2012-CP-40-8512, Docket as of July 29, 2015 (excerpt).

Undersigned counsel certified, pursuant to Rule 209(c), SCACR, that this designation contains no matter which is irrelevant to the appeal.

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