

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Clifton Newman, Circuit Court Judge

RECEIVED
AUG 06 2015
SC Court of Appeals

Case No. 2010-CP-26-03901
Appellate Case No.: 2015-000249

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 Dasmercse 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 Bonnie Stone, DJL Construction Company, L.L.P., Adrian Mondragon, individually and d/b/a Mondragon Construction, Inc., and Glen Causey, Defendants,

Of Whom Chuck's Construction, Inc. is the Respondent,

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

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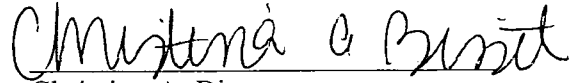
Respondent proposes the following be included in the Record on Appeal

1. Sanger Complaint filed January 12, 2007.
2. Sanger Amended Complaint filed April 20, 2008.
3. Rivergate Homeowner's Association Complaint filed June 13, 2008.
4. Rivergate Homeowner's Association First Amended Complaint filed March 21, 2009.
5. Order filed March 31, 2009.
6. Order filed August 18, 2009.
7. Consent order filed April 28, 2009.
8. Rivergate Homeowner's Association Second Amended Complaint filed on April 28, 2010.
9. Answer of Respondent Chuck's Construction, Inc.
10. Kimley-Horn and Associates, Inc. Report
11. Affidavit of J. Drew Wilkie
12. Motion for Summary Judgment of Chuck's Construction, Inc.

13. Motion for Summary Judgment of Speedy Concrete, Inc.
14. Motion for Summary Judgment of AB Consulting Engineers, Inc.
15. Attachments to AB Consulting Engineers Motion for Summary Judgment:
 - a. Excerpts from Deposition of Amie Drucker with Exhibits 3, 10, 11 and 12
 - b. Excerpts from Deposition of Donna Dawson
 - c. Excerpts from Deposition of Wayne Winderman
 - d. Excerpts from Deposition of Luther Bellamy
 - e. Excerpts from Deposition of Gerald Foran
 - f. Excerpts from Deposition of Christopher Sarratt with attached Exhibit 3
 - g. Excerpts from Deposition of Michael Gardner
 - h. Excerpts from Deposition of J. Drew Wilkie with attached Exhibit 2
 - i. Excerpts from Deposition of James Dunn with attached Exhibits 2, 5, 6, 15, 16, 17, 19, 21, 22, 24, 26, 27, 28, 30, 32, 33, 34, 36, 37, 38, 41
16. Master Deed and Amendments filed with AB Consulting's Motion for Summary Judgment
17. Transcript of Hearing dated January 17, 2014
18. Transcript of Hearing dated September 8, 2014
19. Order granting Chuck's Construction, Inc. Motion for Summary Judgment
20. Order denying Motion to Reconsider Summary Judgment on behalf of Chuck's
21. Notice of Appeal dated March 2, 2015
22. Appellant's Motion to Consolidate Appeals dated April 21, 2015
23. Order Granting Consolidation filed June 3, 2015

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

August 5, 2015



Christina A. Bisset

James Christopher Clark

McAngus, Goudelock & Courie LLC

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Myrtle Beach, South Carolina 29578

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Attorneys for Respondent

Chuck's Construction Co., Inc.

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Rivergate Homeowners' AssociationAppellant,

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.

PROOF OF SERVICE

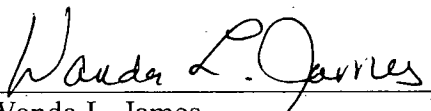
I hereby certify that on August 5, 2015, I served a copy of Respondent Chuck's Construction, Inc.'s Initial Brief and Designation of Matter to be Included in the Record on Appeal by depositing in the United States Mail, with due and proper postage affixed hereto, a copy of the same addressed to:

Mr. Stacy L. Stanley
Ms. V. Denise Hamilton
Stanley Law Firm
3303 Highway 9 East
Little River, SC 29566

Mr. G. Michael Smith
Thompson & Henry, P.A.
P.O. Box 1740
Conway, SC 29528

Ms. Stephanie Burton
Gibbs Burton, LLC
308 East Said John Street
Spartanburg, SC 29302

August 5, 2015


Wanda L. James

Reply To

WANDA L. JAMES
Direct Dial: (843) 848-6002
wanda.james@mgclaw.com

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SC Court of Appeals

August 5, 2015

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

Re: Rivergate HOA vs. WW & LB Development Company, et al / vs.
Chuck's Construction, et al.
Liberty Mutual Claim No.09050880
Civil Action No. 2008-cp-26-4690
Claim No.: 5260032107 & 09050880-001
Date of Loss: ***Incident Date***
Our File No.: 20216.09088

Dear Ms. Kitchings:

Enclosed for filing please find the following documents:

1. original and one copy of Initial Brief of Respondents;
2. original and one copy of Designation of Matter to be Included in the Record on Appeal; and
3. original and one copy of Respondents' Proof of Service concerning items one and two.

Please file these documents and return a clocked in copy to my attention in the enclosed self-addressed stamped envelope.

Very truly yours,



Wanda L. James
Legal Assistant to Christina A. Bisset

/wlj

Enclosures

cc: Stacy L. Stanley, Esquire, Stanley Law Firm
G. Michael Smith, Esquire, Thompson & Henry, P.A.
Stephanie Burton, Gibbes Burton, LLC