

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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AUG 31 2015

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No.: 2012-CP-10-3857 and 2012-CP-10-3858

Appellate Case No.: 2015-001644

Shipwatch Condominium Association, Inc., ..... Appellant,

v.

Carolina Concrete Systems, Inc.; Sisroy Engineering, LLC; Robert G. Sisroy, individually;  
Terrence J. McKelvey; Glasgow Roofing, Inc.; GlassTec, Inc.; Spectech, Inc.; Sonneborn, Inc.;  
Chimney Sweeps, Inc.; Low Country Chimneys, Inc.; EFCO Corp.; W.C. Johnston Architectural  
Sales, Inc.; Charleston Glass Company, Inc.; First Exteriors, LLC; Acrocrete ..... Defendants,

Of Which, Carolina Concrete Systems, Inc.; Sisroy Engineering, LLC; Robert G. Sisroy,  
individually; Terrence J. McKelvey; Glasgow Roofing, Inc.; GlassTec, Inc.; Sonneborn, Inc.;  
EFCO Corp.; W.C. Johnston Architectural Sales, Inc.; Charleston Glass Company, Inc.; First  
Exteriors, LLC; Acrocrete, Inc.; BASF Corp.; Gary Freeman Architect, Inc.; Gary Freeman,  
individually,  
are ..... Respondents.

Oscar Mendiondo, individually and as representative of a class of similarly situated owners of  
condominium units in the horizontal property regime known as Shipwatch Condominiums,  
Appellants,

v.

Carolina Concrete Systems, Inc.; Sisroy Engineering, LLC; Robert G. Sisroy, individually;  
Terrence J. McKelvey; Glasgow Roofing, Inc.; GlassTec, Inc.; Spectech Inc.; Sonneborn, Inc.;  
Chimney Sweeps, Inc.; Low Country Chimneys, Inc.; EFCO Corp.; W.C. Johnston Architectural

Sales, Inc.; Charleston Glass Company, Inc.; First Exteriors, LLC; Acrocrete, Inc.; BASF Corp.; Gary Freeman Architect, Inc.; Gary Freeman, individually; ..... Defendants,

Of Which Carolina Concrete Systems, Inc.; Sisroy Engineering, LLC; Robert G. Sisroy, individually; Terrence J. McKelvey; Glasgow Roofing, Inc.; GlassTec, Inc.; Sonneborn, Inc.; EFCO Corp.; W.C. Johnston Architectural Sales, Inc.; Charleston Glass Company, Inc.; First Exteriors, LLC; Acrocrete, Inc.; BASF Corp.; Gary Freeman Architect, Inc.; and Gary Freeman, individually; are the ..... Respondents.

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

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

Orders

1. Order Granting Carolina Concrete Systems, Inc.'s Motion for Summary Judgment in Part
2. Order Denying Plaintiffs' Motion for Rehearing and/or Reconsideration
3. Filed April 7, 2014 Scheduling Order
4. Order of Court of Appeals July 2, 2015
5. Order Granting Partial Summary Judgment dated July 28, 2015

Pleadings

6. Plaintiffs' Summons and Complaint
7. Carolina Concrete Systems, Inc.'s Notice of Motion and Motion for Summary Judgment
8. Carolina Concrete Systems, Inc.'s Memorandum in Support of Motion for Summary Judgment
9. Plaintiffs' Response in Opposition to Carolina Concrete Systems, Inc.'s Motion for Summary Judgment
10. Plaintiffs' Motion for Rehearing and/or Reconsideration of Order Granting Summary Judgment in Part to Defendant Carolina Concrete Systems, Inc.
11. Plaintiffs' Supplemental Response in Opposition to Carolina Concrete Systems'

Motion for Summary Judgment, and Memorandum in Support of Plaintiffs' Motion for Rehearing & Reconsideration

12. Plaintiffs' Notice of Appeal dated December 30, 2014
13. Plaintiffs' Amended Notice of Appeal
14. Plaintiffs' Notice of Appeal dated July 28, 2015
15. Charleston Glass Company's Motion & Memorandum for Summary Judgment
16. EFCO Corp. and WC Johnston Architectural Sales, Inc.'s Motion for Summary Judgment
17. EFCO Corp. and WC Johnston Architectural Sales, Inc.'s Memorandum in Support of Motion for Summary Judgment
18. Appellants' Return to Acrocrete & Glasstec's Motion to Dismiss Appeal

Transcripts

19. Transcript of Hearing on Summary Judgment
20. Linda Jernigan Deposition Transcript Excerpts: pp. 25, 27, 35-39, 45, 73-74, 97, 219, 230, 307, 330-333, 335 & 411-523
21. Fred Trombino Deposition Transcript Excerpts: pp. 37-38, 43-44, 132-133
22. Arnie Schaeve Deposition Transcript Excerpts: pp. 19, 35, 37, 59-60, 78-79
23. Greg Isaacs Deposition Transcript Excerpts: pp. 10-11, 251-278, 301-315, & 541-549
24. Jeff Miller Deposition Transcript Excerpts: pp. 55, 347, 559-579, & 609-611
25. Peter Sherratt Deposition Transcript Excerpts: pp. 86, 93-142

Exhibits and Other Materials or Documents

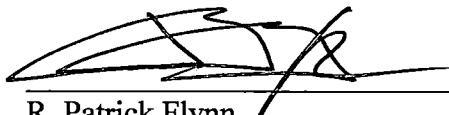
26. Shipwatch Board of Directors Meeting, April 1, 2005
27. Shipwatch Board of Directors Meeting, September 16-17, 2005
28. Shipwatch Board of Directors Meeting, March 18, 2006

29. Building Report, March 9, 2007
30. Building Committee Report, Shipwatch Homeowners' Meeting, January 20, 2007
31. Carolina Concrete Systems, Inc. "Inspection Report" dated May 9, 2007
32. Carolina Concrete Systems, Inc. "Building Inspection Report" dated February 5, 2009
33. Carolina Concrete Systems, Inc. contract with Plaintiffs dated November 5, 2002
34. Carolina Concrete Systems, Inc. contract with Plaintiffs dated September 22, 2003
35. Carolina Concrete Systems, Inc. contract with Plaintiffs dated December 19, 2008
36. Plaintiffs' repair scope produced by SKA
37. Plaintiffs' contracts for repair produced by Pro-Tec
38. January 5, 6, 12 and 13 of 2015 emails between R. Patrick Flynn, Esquire, R. Britton Kelly, Esquire, and the Charleston County Clerk of Court regarding hearing motions for summary judgment and impact of appeal
39. April 14, 2015 email of R. Patrick Flynn, Esquire to Charleston County Clerk of Court advising of ruling of Judge Dennis on question of stay
40. Master Deed of Shipwatch Horizontal Property Regime dated April 24, 1984 (Deposition Exhibit 142)
41. Affidavit of Greg Johnston with Exhibits
42. Elevations with notes of Greg Isaacs showing windows and doors counts (Deposition Exhibit 57)
43. Carolina Concrete Systems, Inc. Proposal dated September 6, 2007 (PL 05112-05113 & Deposition Exhibit 103)
44. November 3, 2010 E-mail from Gary Freeman to Bob Wiggins & Linda Jernigan (PL 022008 & Deposition Exhibit 129)
45. November 5, 2010 E-mail from Gary Freeman to Bob Wiggins & Linda Jernigan (PL 022014 & Deposition Exhibit 130)
46. November 11, 2010 Fax from Charleston Glass Company to Bob Wiggins re: non-impact glass products (CCS 1505 & Deposition Exhibit 132)

47. November 12, 2010 E-mail from Gary Freeman to Linda Jernigan re: non-impact glass windows (PL 022027 & Deposition Exhibit 133)
48. December 7, 2010 email exchange between Gary Freeman and Shipwatch regarding non-impact glass sliding glass doors (Freeman 113 & Deposition Exhibit 134)
49. Charleston Glass Company Proposal dated January 18, 2008 for doors (CCS 1086 & Deposition Exhibit 139)
50. Chart of "Shipwatch Townhouse Sliding Glass Doors Replaced" (PL 0829 & Deposition Exhibit 140)
51. Plaintiffs' expert witness disclosures to WCJ

**Certificate of Appellants**

I hereby certify that this Designation of Matter to be included in the Record on Appeal contains no material which is irrelevant to this appeal.



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R. Patrick Flynn  
ROBERTSON HOLLINGSWORTH & FLYNN  
177 Meeting Street, Suite 300  
Charleston, South Carolina 29401  
Phone: 843-723-6470  
Attorneys for Appellants

August 27, 2015

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APPEAL FROM CHARLESTON COUNTY  
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Oscar Mendiondo, individually and as representative of a class of similarly situated owners of condominium units in the horizontal property regime known as Shipwatch Condominiums, Appellants,

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CERTIFICATE OF SERVICE

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I, Frances Klotsch, an employee of Robertson Hollingsworth & Flynn, hereby certify that I have served parties in this action with a copy of the Appellants' Designation of Matter to be Included in the Record on Appeal document(s) via U.S. Mail as follows:

Erin D. Dean, Esquire  
Stacey P. Canaday, Esquire  
Tupper, Grimsley & Dean, P.A.  
P.O. Box 2055  
Beaufort, SC 29901  
(P) 843-524-1116  
**ATTORNEYS FOR GLASSTEC, INC.**

Paul Sperry, Esquire  
Tyler P. Winton, Esquire  
Carlock, Copeland & Stair, LLP  
40 Calhoun St., Suite 400  
Charleston, SC 29401  
(P) 843-266-8237  
**ATTORNEYS FOR SISNROY ENGINEERING, LLC AND  
ROBERT G. SISNROY, INDIVIDUALLY**

James H. Elliott, Jr., Esquire  
Richardson Plowden & Robinson, P.A.  
40 Calhoun St., Suite 220  
Charleston, SC 29401  
(P) 843-805-6550

**AND**

J.J. Anderson, Esquire  
Danielle Wegener, Esquire  
Anderson, Reynolds & Stephens, LLC  
37 ½ Broad Street  
Charleston, SC 29401  
(P) 843 723-0185  
**ATTORNEYS FOR FIRST EXTERIORS, LLC**

David S. Cobb, Esquire  
Turner Padgett Graham & Laney, PA  
P.O. Box 22129  
Charleston, SC 29401  
(P) 843-576-2800  
**ATTORNEYS FOR CAROLINA CONCRETE SYSTEMS, INC.**

David A. Root, Esquire  
Kernodle Root & Coleman  
914 Golly Road, Suite 2  
Charleston, SC 29412  
(P) 843-795-7800  
**ATTORNEY FOR BASF AND SONNEBORN**

R. Britton Kelly, Esquire  
Rosen, Rosen & Hagood  
P.O. Box 893  
Charleston, SC 29402  
(P) 843-577-6726  
**ATTORNEY FOR EFCO CORP. AND W.C. JOHNSTON  
ARCHITECTURAL SALES, INC.**

K. Michael Barfield, Esquire  
Barnwell Whaley Patterson & Helms  
P.O. Drawer H  
Charleston, SC 29402  
(P) 577-7700  
**ATTORNEY FOR GARY FREEMAN, ARCHITECT AND  
GARY FREEMAN, INDIVIDUALLY**

Samia Nettles, Esquire  
Richardson Plowden & Robinson, P.A.  
40 Calhoun St., Suite 220  
Charleston, SC 29401  
(P) 843-805-6550  
and

L. Dean Best, Esquire  
P.O. Box 13466  
Charleston, SC 29422  
(P) 843-793-4744  
(F) 843-793-4278  
**ATTORNEYS FOR GLASGOW ROOFING**

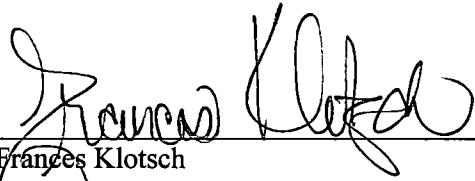
Terrence McKelvey  
1084 Winslow Drive  
Charleston, SC 29412  
(P) 843-559-5074  
**PRO SE DEFENDANT**

Amanda R. Maybank, Esquire  
Marshall A. Earhart, Esquire  
Maybank Law Firm, LLC  
P.O. Box 12579  
Charleston, SC 29422  
(P) 843-766-8101

**ATTORNEYS FOR CHARLESTON GLASS COMPANY, INC.**

Greg Horton, Esquire  
Ryan Gilsonan, Esquire  
Adriane Belton, Esquire  
Womble Carlyle  
5 Exchange Street  
Charleston, SC 29401  
(P) 843-722-3400

**ATTORNEYS FOR ACROCRETE, INC.**

  
\_\_\_\_\_  
Frances Klotsch

August 27, 2015

ROBERTSON HOLLINGSWORTH & FLYNN, LLC  
ATTORNEYS AT LAW

177 MEETING STREET, SUITE 300  
CHARLESTON, SOUTH CAROLINA 29401  
(843) 723-6470 • Fax (843) 853-9045  
Email: info@roblaw.net  
www.rhflawfirm.com

Dunn D. Hollingsworth  
R. Patrick Flynn  
Theodore L. Manos  
Paul R. Rahn  
Robert J. Cardillo (SC, IL, MI)  
Michael E. Wright  
Christopher M. Ramsey (SC, GA)  
S. Wallace Carnwath, III (SC, NC)

Claron A. Robertson  
Of Counsel

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South Carolina Court of Appeals  
Clerk of Court  
1015 Sumter Street  
Columbia, South Carolina 29201

Re: Shipwatch and Mendiondo v. Carolina Concrete;  
Appellate Case No. 2015-001644

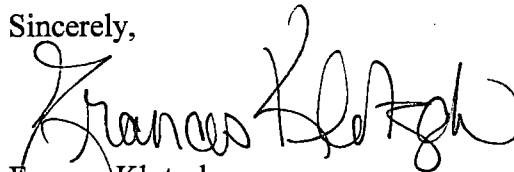
Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of the Appellants Designation of Matter to be Included in the Record on Appeal in the above-referenced matter. By copy of this letter, I am serving the same upon all counsel of record.

I have also enclosed a self-addressed, postage-paid envelope and request that you return one file stamped copy to me at your convenience.

If you have any questions or require any additional information, please do not hesitate to contact me.

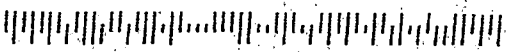
Sincerely,



Frances Klotsch  
Legal Assistant to R. Patrick Flynn

RPF/fak  
Enclosures

cc: All Counsel of Record (U.S. Mail)



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29201

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ROBERTSON HOLLINGSWORTH & FLYNN, LLC  
ATTORNEYS AT LAW  
177 MEETING STREET, SUITE 300  
CHARLESTON, SOUTH CAROLINA 29401

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