

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM Horry COUNTY
COURT OF COMMON PLEAS

RECEIVED

SEP 03 2015

Clifton Newman, Circuit Court Judge

SC Court of Appeals

Trial Court Case No. 2010CP26-3901

Appellant Case No.: 2015-000248

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 Zeferino, 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,
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,
LLC, Inc. is the Respondent.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

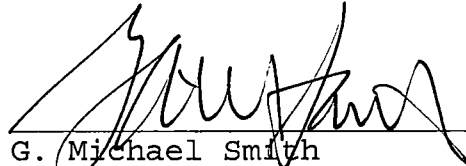
Respondent Speedee Concrete, Inc. proposes the following be included in the Record on Appeal:

1. Sanger Complaint filed January 12, 2007
2. Sanger Amended Complaint filed April 20, 2008
3. Plaintiff's Complaint filed on June 13, 2008
4. Plaintiff's 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, 2010;
8. Plaintiff's Second Amended Complaint filed on April 28, 2010;
9. Answer of Defendant Speedee Concrete filed on June 11, 2010
10. Speedee Concrete's Motion for Summary Judgment filed July 19, 2013
11. Excerpts from Deposition of Amie Drucker with Exhibits 3, 10, 11, and 12 filed with AB Consulting's Motion for Summary Judgment;
12. Excerpts from Deposition of Luther Bellamy filed with AB Consulting's Motion for Summary Judgment
13. Excerpts from Deposition of James K. Dunn with attached exhibits 2, 5, 6, 15, 16, 17, 19, 21, 22, 23, 24, 26, 27, 28, 30, 32, 33, 34, 36, 37, 38, and 41 filed with AB Consulting's Motion for Summary Judgment
14. James K. Dunn Deposition pages 69 and 70.
15. Master Deed and Amendments filed with AB Consulting's Motion for Summary Judgment
16. Order filed May 7, 2014
17. Plaintiff's Motion for Reconsideration of Order Granting Summary Judgment as to Speedee Concrete dated June 11, 2014
18. Order filed December 10, 2014
19. Speedee Invoice dated March 22, 2007

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

Dated: August 26, 2015

Respectfully submitted,



G. Michael Smith
Bar No. 5255
Thompson & Henry, PA
PO Box 1740
Conway, SC 29528
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Attorney for Respondent
Speedy Concrete

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Clifton Newman, Circuit Court Judge

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Engineering, Inc., D & M Builders,
Inc., Hill 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,
LLC, Inc. is the

Respondent.

Appellate Case No. 2015-000248

PROOF OF SERVICE

I certify that I have served the Initial Brief and Designation of Matter to be Included in the Record on Appeal of Respondent Speedy Concrete on the following Appellant and Respondents AB Consulting Engineers, Inc. and Chuck's Construction Co., Inc. by depositing a copy of it in the United States Mail, postage prepaid, on August 28, 2015, addressed to their attorneys of record as follows:

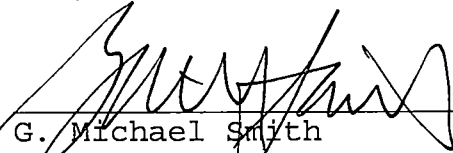
Stacy L. Stanley, Esquire
V. Denise Hamilton, Esquire
Stanley Law Firm
3303 Highway 9 East
Little River, SC 29466
Attorneys for Appellant

Stephanie Burton, Esquire
Gibbes Burton, LLC
308 East Saint John Street
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Attorney for AB Consulting Engineers, Inc.

Christina Bisset, Esquire
McAngus Goudelock & Courie, LLC
Post Office Box 1349
Myrtle Beach, SC 29578
Attorney for Chuck's Construction, Inc. (Co-Counsel)

J. Christopher Clark, Esquire
McAngus, Goudelock & Courie, LLC
Post Office Box 1349
Myrtle Beach, SC 29578
Attorney for Chuck's Construction, Inc. (Co-Counsel)

Dated: 8/28/15



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August 28, 2015

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SC Court of Appeals

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

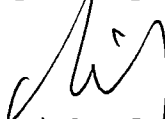
RE: Rivergate Homeowners' Association vs. WW&LB Development
Company, LLC et al (Speedee Concrete)
Appellate Case No.: 2015-000248
Our Client: Speedee Concrete
Case No: 2010-CP-26-3901
Claim No.: 20987357/22 SBA BB9376
Our File No: 14260.50

Dear Ms. Kitchings:

I am enclosing an original and one copy each of Respondent Speedee Concrete's Initial Brief and Designation of Matter to be Included in the Record On Appeal in the above-referenced matter and Proof of Service on the Appellant and Co-Respondents. Please file the Initial Brief, Designation of Matter and Proof of Service and return the clocked additional copies to me in the enclosed self-addressed, stamped envelope.

By copy of this letter, I am serving the same upon opposing counsel. Thank you for your cooperation. If you have any questions or need anything further from me, please do not hesitate to call.

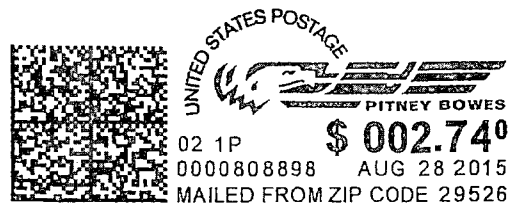
Very truly yours,


G. Michael Smith

GMS/tlt

Enclosures

cc: Stacy Stanley, Esq.
Stephanie Burton, Esq.
Christina Bisset, Esq.
J. Christopher Clark, Esq.
David Green
Seth Noiseaux



FIRST CLASS MAIL

THOMPSON & HENRY, P.A.

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To:

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