

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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Appeal from Charleston County  
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

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Case No. 2013-CP-10-559  
Appellate Case No. 2015-000201

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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.

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


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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. 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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Justin O'Toole Lucey  
Joshua F. Evans  
Justin O'Toole Lucey, P.A.  
415 Mill Street  
Mount Pleasant, South Carolina 29464  
(843) 849-8400  
Attorneys for Respondents

September 11, 2015

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Appeal from Charleston County  
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R. Markley Dennis, Jr., Circuit Court Judge

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Case No. 2013-CP-10-559  
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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.

**RECEIVED**  
SEP 14 2015  
SC Court of Appeals

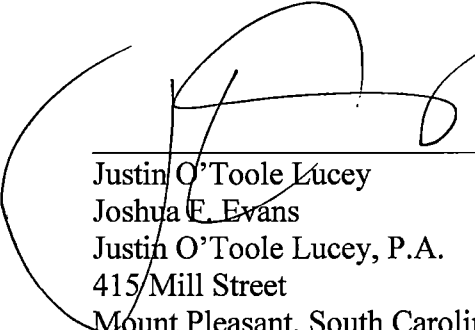
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**PROOF OF SERVICE**

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I certify that I have served **CONSENT MOTION TO AMEND RESPONDENTS' INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL, AMENDED INITIAL BRIEF OF RESPONDENTS, and RESPONDENTS' AMENDED 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 September 11, 2015 addressed as follows:

Thomas C. Hildebrand, Jr., Esq.  
Kristina Y. Baxley, Esq.  
F. Elliott Quinn, IV, Esq.  
Parker, Poe, Adams & Bernstein LLP  
P.O. Box 160  
Charleston, SC 29401  
(843) 727-2650  
*Attorneys for Appellants*



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415 Mill Street  
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(843) 849-8400  
Attorneys for Respondents

September 11, 2015

# JUSTIN O'TOOLE LUCEY, PA

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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

September 11, 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 six copies of the following documents, along with a filing fee check for \$25.00, 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. *Consent Motion to Amend Respondents' Initial Brief and Designation of Matter to be Included in the Record on Appeal*
2. *Amended Initial Brief of the Respondent;*
3. *Respondent's Amended Designation of Matter to be Included in the Record on Appeal;*  
*and*
4. *Respondent's Proof of Service.*

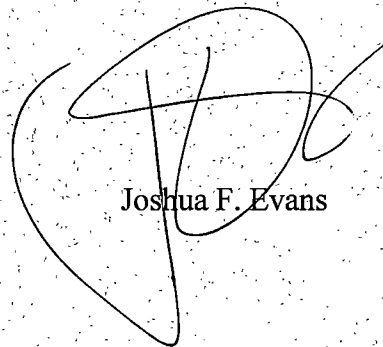
Please note the Motion and Amended filings are with the express consent of Appellants. I would greatly appreciate you filing these pleadings with the Court of Appeals and returning a date stamped copy of each to my attention in the enclosed self-addressed, stamped envelope.

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,

September 11, 2015  
Page 2 of 2

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Joshua F. Evans

Enclosure

Cc: Thomas C. Hildrebrand, Jr., Esq.  
Kristina Y. Baxley, Esq.  
F. Elliott Quinn, IV, Esq.



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