

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**  
SEP 28 2015  
SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Appellate Case No. 2015-001644

Circuit Case Nos. 2012-CP-10-3857 and 2012-CP-10-3858

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.; Spectec, 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.; 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.; Spectec, 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,

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DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL

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Respondent proposes the following to be included in the Record of 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. Order of Court of Appeals dismissing initial appeals, dated July 2, 2015.
4. Order granting Carolina Concrete Systems, Inc. Partial Summary Judgment, dated July 28, 2015.

Pleadings:

1. Plaintiffs' Summonses and Complaints
2. BASF's Answers to Plaintiffs' Complaints.
3. Defendant Carolina Concrete Systems, Inc.'s Notice of Motion and Motion for Summary Judgment.
4. Defendant Carolina Concrete Systems, Inc.'s Memorandum in Support of Motion for Summary Judgment;
5. Plaintiffs' Response in Opposition to Carolina Concrete Systems, Inc.'s Motion for Summary Judgment;
6. Order of October 30, 2014;
7. Plaintiffs' Motion for Rehearing and/or reconsideration of Order Granting Summary Judgment in Part to Defendant Carolina Concrete Systems, Inc.;
8. Plaintiffs' Supplemental Response in Opposition to Carolina Concrete Systems, Inc.'s Motion for Summary Judgment, and Memorandum in Support of Plaintiffs' Motion for Rehearing & Reconsideration;
9. Plaintiffs' Notice of Appeal, dated December 30, 2014.
10. Plaintiffs' Notice of Appeal, dated July 28, 2015.

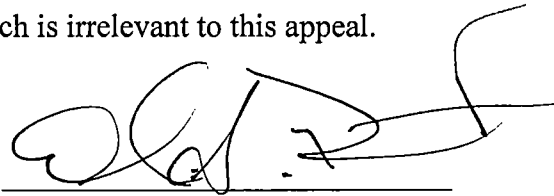
Transcripts:

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

Exhibits and Other Materials or Documents

1. Shipwatch Board of Directors Meeting, April 1, 2005
2. Shipwatch Board of Directors Meeting, September 16-17, 2005
3. Shipwatch Board of Directors Meeting, March 18, 2006
4. Building Report, March 9, 2007
5. Building Committee Report, Shipwatch Homeowners' Meeting, January 20, 2007
6. Carolina Concrete Systems, Inc. "Inspection Report" dated May 9, 2007
7. Carolina Concrete Systems, Inc. "Building Inspection Report" dated February 5, 2009
8. Carolina Concrete Systems, Inc. contract with Plaintiffs dated November 5, 2002
9. Carolina Concrete Systems, Inc. contract with Plaintiffs dated September 22, 2003
10. Carolina Concrete Systems, Inc. contract with Plaintiffs dated December 19, 2008
11. Plaintiffs' repair scope produced by SKA
12. Plaintiffs' contracts for repair produced by Pro-Tec
13. Deposition Exhibit 108.

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



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Corporation

Charleston, South Carolina

September \_\_\_\_, 2015

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

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CERTIFICATE OF SERVICE

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The undersigned hereby certifies that on September \_\_\_\_\_, 2015 it served a copy of the foregoing Respondent BASF Corp.'s Designation of Matter by depositing the same in the U.S. Mail, First Class postage prepaid, and addressed to the following:

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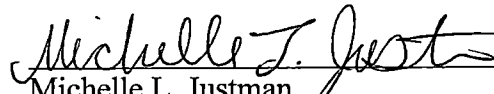
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September 25, 2015  
Charleston, SC

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September 25, 2015

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SC Court of Appeals

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

RE: *Shipwatch Condominium Association, Inc. v. Carolina Concrete Systems, Inc.; Sisinroy Engineering, LLC; Robert G. Sisinroy, 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*  
AND  
*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 v. Carolina Concrete Systems, Inc.; Sisinroy Engineering, LLC; Robert G. Sisinroy, individually; Terrence J. McKelvey; Glasgow Roofing, Inc.; GlassTec, Inc.; Spectec, 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*  
Appellate Case No.: 2015-001644  
Our File No. 8092-1 and 8092-2

Dear Ms. Kitchings:

In regards to Appellate Case No. 2015-001644, enclosed for filing please find an original and one (1) copy of Respondent BASF Corp.'s Initial Brief, together with a Certificate of Service. Also enclosed for filing please find an original and one (1) copy of Respondent's Designation of Matter, together with a Certificate of Service.

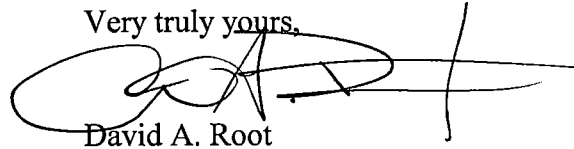
Upon filing, please return one (1) clocked copy of the Initial Brief and Designation of Matter to me in the enclosed, self-addressed, stamped envelope provided for your convenience.

Thank you for your consideration in this matter, and with kindest regards, I remain

kernodlslaw.com

The Honorable Jenny Abbott Kitchings  
September 25, 2015  
Page 2

Very truly yours,

A handwritten signature in black ink, appearing to read 'D.A. Root', with a large, sweeping flourish extending to the right.

David A. Root

DAR/mlj

Enclosures: *As stated herein.*

cc: **Via U.S. Mail and E-Mail**

R. Patrick Flynn, Esquire

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R. Britton Kelly Esquire

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DAR/8092-1

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