

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
R. Markley Dennis, Circuit Court Judge

Case No. 2015-001644

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SC Court of Appeals

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, 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.; 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 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; areRespondents.

RESPONDENT FIRST EXTERIORS, LLC'S DESIGNATION OF
MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Respondent proposed the following to be included in the Record of Appeal:

Orders:

1. Form 4 Order granting Carolina Concrete Partial Summary Judgment dated October 30, 2014
2. Order denying Plaintiff's Motion for Reconsideration
3. Order Dismissing Appeal
4. Remittitur
5. Order granting Carolina Concrete Partial Summary Judgment dated July 28, 2015

Pleadings:

6. Summons and Complaints
7. Carolina Concrete Systems, Inc.'s Motion for Summary Judgment
8. Carolina Concrete Systems, Inc.'s Memorandum in Support of Motion for Summary Judgment and attached exhibits
9. Plaintiff's Memorandum in Opposition to Carolina Concrete's Motion for Summary Judgment and attached exhibits
10. Plaintiff's Motion for Reconsideration
11. Plaintiff's Supplemental Response to Carolina Concrete's Motion for Summary Judgment and Memorandum in Support of Motion for Reconsideration and attached exhibits
12. Notices of Appeal dated December 30, 2014

13. Amended Notices of Appeal dated January 8, 2015

14. Notices of Appeal dated July 28, 2015

Transcripts:

15. Transcript of Summary Judgment Hearing

16. July 15, 2014 Deposition Transcript of Linda Jernigan: pp. 219, 230

17. Deposition Transcript Fred Trombino: pp. 37, 38

18. Deposition Transcript Arnie Schaewe: p. 78

Exhibits and Other Materials or Documents:

19. Correspondence from Clerk of Court of Appeals dated August 14, 2015

20. Shipwatch Board of Directors Meeting Minutes, April 1, 2005

21. Report of Robert Sisroy, PE dated July 10, 2006

22. Shipwatch Building Committee Report dated January 20, 2007

23. Shipwatch Homeowners Association Building Report dated March 9, 2007

24. Carolina Concrete Systems, Inc.'s Exterior Building Inspection Report dated May 10, 2007

25. Robert Sisroy P.E. Roof Flashing Installation Deficiencies and Exterior Cladding Failure Investigation dated August 23, 2008

26. Carolina Concrete Systems, Inc.'s Building Inspection Report dated February 5, 2009

27. Carolina Concrete Systems, Inc.'s contract with Shipwatch dated November 5, 2002

28. Carolina Concrete Systems, Inc.'s contract with Shipwatch dated September 22, 2003

29. Carolina Concrete Systems, Inc.'s proposal dated June 3, 2003

30. Facsimile from Bob Wiggins to Shipwatch Properties dated February 2, 2005

31. Carolina Concrete Systems, Inc.'s contract with Shipwatch dated December 19, 2008.
32. Carolina Concrete Systems, Inc.'s contract with Shipwatch dated September 1, 2010.
33. Carolina Concrete Systems, Inc.'s proposal dated April 26, 2010.

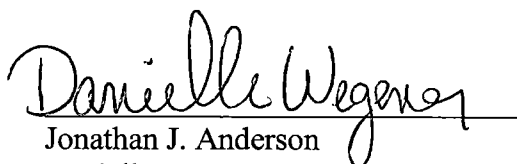
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Certification of Counsel

Counsel certifies that this designation contains no matter which is irrelevant to this appeal.



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September 28, 2015

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PROOF OF SERVICE

I certify that I have served Respondent First Exteriors, LLC's Initial Brief and Designation of Matter to be Included in the Record on Appeal by depositing a copy in the U. S. mail, postage paid on September 28, 2015 mail addressed to counsel of record as set forth below:

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The Honorable Jenny Abbott Kitchings
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Columbia, SC 29211

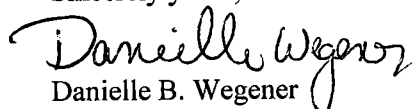
Re: Shipwatch Condominium Association, Inc. v. Carolina Concrete Systems, Inc., *et al*
-and-
Oscar Mendiondo v. Carolina Concrete Systems, Inc. *et al*
Case Number: 2012-CP-10-3857
Case Number: 2012-CP-10-3858
Claim No.: 72-39-288720 (PEG)
ARS No.: 20120.38
Appellate Case No.: 2015-001644

Dear Ms. Kitchings:

Please find enclosed the original and one (1) copy each of Respondent First Exteriors, LLC's Initial Brief, Designation of Matter and Proof of Service. Please file the original and return the clocked copies to me in the self-addressed, postage paid envelope enclosed.

Your assistance in this matter is greatly appreciated. With kindest regards, I am,

Sincerely yours,


Danielle B. Wegener

DBW/jcd

Enclosures

cc: All Counsel of Record
(via U.S. mail)

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