

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2012-CP-10-03857 & 2012-CP-10-03858
Appellate Case No. 2015-001644

RECEIVED

SEP 30 2015
SC Court of Appeals

Shipwatch Condominium Association, Inc., Appellant,

vs.

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 the Respondents.

- AND -

Oscar Mendiando, 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 Corporation; W.C. Johnston Architectural Sales, Inc.; Charleston Glass Company, Inc. FirstExteriors, LLC; Acrocrete, INc.; BASF Corp.; Gary Freeman Architect, Inc.; Gary Freeman, individually; Defendants,

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**RESPONDENTS EFCO CORP. AND W.C. JOHNSTON ARCHITECTURAL
SALES, INC.'S DESIGNATION OF MATTER FOR THE RECORD ON APPEAL**

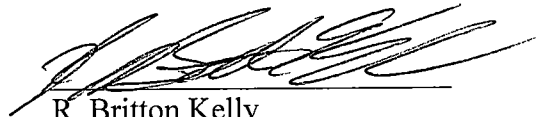
Respondents EFCO Corp. and WC Johnston Architectural Sales, Inc. designate the following to be included in the Record on Appeal:

- (1) EFCO Corp. and WC Johnston Architectural Sales, Inc.'s Motion for Summary Judgment;
- (2) EFCO Corp. and WC Johnston Architectural Sales, Inc.'s Memorandum in Support of Motion for Summary Judgment;
- (3) Filed April 7, 2014 Scheduling Order;
- (4) 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;
- (5) 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;
- (6) Linda Jernigan Deposition Transcript Excerpts: Pp. 25, 27, 35-39, 45, 73-74, 97, & 411-523;
- (7) Master Deed of Shipwatch Horizontal Property Regime dated April 24, 1984 (Deposition Exhibit 142);
- (8) Affidavit of Greg Johnston with exhibits;
- (9) Greg Isaacs Deposition Transcript Excerpts: Pp. 10-11, 251-278, 301-315, 541-549;
- (10) Elevations with notes of Greg Isaacs showing window and doors counts (Deposition Exhibit 57);
- (11) Jeff Miller Deposition Transcript Excerpts: Pp. 55, 347; 559-579; & 609-611;
- (12) Carolina Concrete Systems, Inc. Proposal dated September 6, 2007 (PL 05112-05113 & Deposition Exhibit 103);
- (13) Nov 3, 2010 E-mail from Gary Freeman to Bob Wiggins & Linda Jernigan (PL 022008 & Deposition Exhibit 129);
- (14) November 5, 2010 E-mail from Gary Freeman to Bob Wiggins & Linda Jernigan (PL 022014 & Deposition Exhibit 130);
- (15) November 11, 2010 Fax from Charleston Glass Company to Bob Wiggins re: non impact glass products (CCS 1505 & Deposition Exhibit 132);
- (16) November 12, 2010 E-mail from Gary Freeman to Linda Jernigan re: non-impact glass windows (PL 022027 & Deposition Exhibit 133);

- (17) December 7, 2010 email exchange between Gary Freeman and Shipwatch regarding non-impact glass sliding glass doors (Freeman 113 & Deposition Exhibit 134);
- (18) Charleston Glass Company Proposal dated January 18, 2008, for doors (CCS 1086 & Deposition Exhibit 139);
- (19) Chart of "Shipwatch Townhouse Sliding Glass Doors Replaced" (PL 0829 & Deposition Exhibit 140);
- (20) Plaintiff's Complaint;
- (21) Appellant's Initial Brief;
- (22) Appellant's Return to Acrocrete & Glasstec's Motion to Dismiss Appeal;
- (23) Plaintiff's expert witness disclosures to WCJ; and
- (24) South Carolina Secretary of State Page Printout on Formation Date of Charleston Glass.

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

Respectfully submitted,



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WC Johnston Architectural Sales, Inc.

September 28, 2015
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
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The Honorable R. Markley Dennis, Jr., Circuit Court Judge

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Case No. 2012-CP-10-03857
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Shipwatch Condominium Association, Inc.; Appellants

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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

The undersigned hereby certifies that on September 28, 2015 a true and correct copy of *Respondents EFCO Corporation and W.C. Johnston Architectural Sales, Inc.'s Initial Brief and Designation of Matter* was delivered via US Mail and/or electronic transmission to the following:

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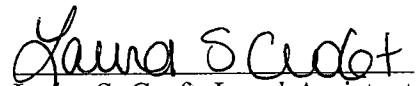
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Laura S. Croft, Legal Assistant

September 28, 2015
Charleston, South Carolina.

ROSEN | HAGOOD

Laura S. Croft
lcroft@rrhlawfirm.com

September 28, 2015

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Shipwatch Condominium Association, Inc. vs. Carolina Concrete Systems, Inc., et. al
Case No.: 2012-CP-10-3857
and
Oscar Mendiondo vs. Carolina Concrete Systems, Inc., et. al
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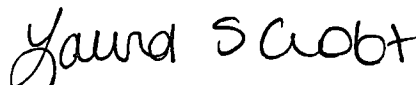
Dear Ms. Kitchings:

Enclosed please find the original and one copy of Respondents EFCO Corporation and W.C. Johnston Architectural Sales, Inc.'s Initial Brief and Designation of Matter for the Record on Appeal in each of the above referenced matters. By copy of this letter, I am serving the same upon all counsel of record.

I have also enclosed a pre-paid stamped envelope and ask that you return the filed stamped copy to me.

If you have any questions, please let us know. With kindest regards, I am

Sincerely yours,

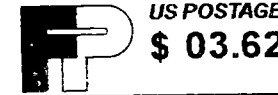
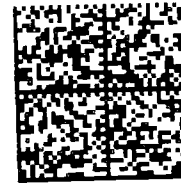


Laura S. Croft
Paralegal

/lsc
Enclosures

cc: All Counsel (via email)

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09/28/2015
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