

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

Alexander S. Macaulay, Presiding Judge Seventh Judicial Circuit

Case No. 2015-000392

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DEC 07 2015
SC Court of Appeals

Stoneledge at Lake Keowee Owners' Association, Inc.; C. Dan Carson; Jeffrey J. Dauler; Joan W. Davenport; Michael Furnari; Donna Furnair; Jessy B. Grasso; Nancy E. Grasso; Robert P. Hayes; Lucy H. Hayes; Ty Hix; Jennifer D. Hix; Paul W. Hund, III; Ruth E. Isaac; Michael D. Plourde; Mary Lou Plourde; Carol C. Pope; Steven B. Taylor; Bette J. Taylor; and Robert White, Individually and on Behalf of all other similarly situated, Respondents,

v.

IMK Development Co., LLC; Keowee Townhouses, LLC; Ludwig Corporation, LLC; SDI Funding, LLC; Medallion at Keowee, LLC; Integrys Keowee Development, LLC; Marick Home Builders, LLC; Bostic Brothers Construction, Inc.; Miller/Player & Associates; Bradford D. Seckinger; John Ludwig; William Cox; Larry D. Lollis; Rick Thoennes; M Group Construction and Development, LLC; Mel Morris; Joe Bostic; Jeff Bostic; Clear View Construction, LLC; Michael Franz; MHC Contractors; Miguel Porras Choncoas; Builders First Source-Southeast Group; Mike Green; Southern Concrete Specialties; Carl Compton d/b/a Compton Enterprize a/k/a Compton Enterprises; Gunter Heating & Air; All Pro Heating, A/C & Refrigeration, LLC; Coleman Waterproofing; Heyward Electrical Services, Inc.; Tinsley Electrical, LLC; Hutch N Son Construction, Inc.; Upstate Utilities, Inc.' Southern Basements; Carl Catoe Construction, Inc; T.G. Construction, LLC; Delfino Construction; Francisco Javier Zarate d/b/a Zarate Construction; Alejandro Avalos Cruz; Herberto Acros Hernandez; Martin Hernandez-Aviles; Francisco Villalobos Lopez; Ambrosio Martinez-Ramirez; Ester Moran Mentado; Socorro Castillo Montel; MJG Construction and Homebuilders, Inc. d/b/a MJG Construction; KMAC of the Carolinas, Inc.; Eufacio Garcia; Everado Jarmamillio; Garcia Parra Insulation, Inc.; J&J Construction; Jose Nino; Jose Manuel Garcia; Eason Construction, Inc.; Vincent Morales d/b/a Morales Masonry and Miller/Player & Associates, Defendants

Of Defendants, Marick Home Builders, LLC and Rick ThoennesAppellants,

APPELLANTS' DESIGNATION OF MATTER

Appellants propose the following to be included in the Record on Appeal:

1. Third Amended Complaint of Stoneledge at Lake Keowee Owners' Association, Inc.;
2. Answer to Third-Amended Complaint and Cross-Claims of Marick Home Builders, LLC;
3. Order Granting Marick Home Builders' and Rick Thoennes' Motion for Summary Judgment on Breach of Warranty of Habitability dated October 16, 2013
4. Marick Home Builders' and Rick Thoennes' Motions for Summary Judgment filed September 6, 2013
5. Marick Home Builders' and Rick Thoennes' Memorandum in Support of Motion for Summary Judgment filed on September 23, 2013.
6. Transcript of Trial October 28 - 31, 2013 and November 4 - 7, 2013
7. Exhibits introduced at Trial October 28 - 31, 2013 and November 4 - 7, 2013
8. Marick Home Builders, LLC and Rick Thoennes Post Trial Motions filed November 18, 2013
9. Motion of Defendants IMK Development CO., LLC, Intergrys Keowee development, LLC, Williams C. Cox, and Larry D. Lollis to Reconsider, Alter or Amend the Judgment filed January 30, 2015 and/or to clarify said judgment and renewed motion for judgment notwithstanding the verdict, for new trial, to alter or amend the judgment dated November 8, 2013, for set off, and for election of remedies and memorandum in support of said motions filed February 13, 2013
10. Marick Home Builders, LLC and Rick Thoennes Motions for Clarification and Motions to Alter and Amend Judgment filed February 13, 2013
11. Marick Home Builders, LLC and Rick Thoennes Supplemental Post-Trial Motions filed May 19, 2014
12. Memorandum of Defendants IMK Development Co., LLC, Integrys Keowee Development LLC, William C. Cox, and Larry D. Lollis in Response to Post-Trial Motions of Plaintiff and Defendant Bostic Brothers Construction, Inc. filed December 16, 2013
13. Plaintiffs' Memorandum in Opposition to Defendants' various Post-Trial Motions filed May 19, 2014
14. Plaintiffs' Memorandum in Support of Post-Trial Motions filed May 19, 2014
15. Post-Trial Motion #2 Bostic Brothers Construction, Inc.'s Condensed Brief in Support of Motion for Set Off dated May 16, 2014
16. Post-Trial Motion #4 Bostic Brothers Construction, Inc.'s Condensed Brief in Support of Motion for Set Off dated May 16, 2014
17. Post-Trial Motion #3 Bostic Brothers Construction, Inc.'s Condensed Brief in Support of Motion for Set Off dated May 16, 2014
18. Defendants Marick Home Builders, LLC's and Rick Thoennes' Memorandum in Response to Post-Trial Motions dated December 16, 2013
19. Form 4 Order signed by Judge MaCaulay dated January 21, 2015
20. Form 4 Order signed by Judge MaCaulay dated November 8, 2013
21. Verdict Form dated November 7, 2013
22. Apportionment Form dated November 7, 2013
23. Marick Home Builders, LLC's and Rick Thoennes' Proposed Requests to Charge Emailed to Judge MaCaulay November 7, 2013

24. Marick Home Builders, LLC's and Rick Thoennes' LLC'S Memorandum in Opposition to Plaintiffs' Motion for Class Certification
25. Transcript of Motion for Summary Judgment hearing on September 23, 2013
26. Order Denying Defendants' Post-Trial Motions dated January 21, 2015
27. Order Denying Defendant Bostic Brothers Construction Inc.'s Rule 59 Motion to Reconsider dated March 12, 2015
28. Notice of Motion and Motion for Stay on Behalf of Marick Home Builders, LLC and Rick Thoennes dated November 18, 2013
29. Estimate of Repair drafted by John Folk



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December 2, 2015

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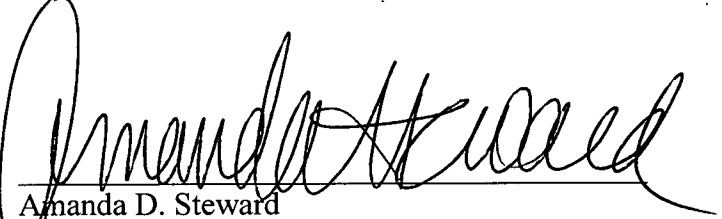
v.

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Of Defendants, Marick Home Builders, LLC and Rick ThoennesAppellants,

PROOF OF SERVICE

I certify that I have served the Appellants' Initial Brief and Designation of Matter by depositing a copy of it in the United States Mail, First Class postage prepaid, on December 2, 2015, addressed to Respondents' attorneys of record, Robert T. Lyles, Jr., Esquire, Lyles & Lyles, LLC, PO Box 773, Charleston, SC 29401 (attorney for Plaintiffs), Cynthia Buck Brown, Esquire and R. Patrick Smith, Esquire, Harper Lambert & Brown, PA, PO Box 908, Greenville, SC 29601 AND Wallace K. Lightsey, Esquire Wyche Burgess Freeman & Parham, PA, PO Box 728, Greenville, SC 29602 (attorney for IMK Development Co., LLC, Integrity Keowee Development, LLC, William C. Cox, and Larry Lollis), Alan Belcher, Esquire, Hall Booth Smith, PC, 40 Calhoun Street, Suite 550, Charleston, SC 29401 (Attorney for Bostic Brother Construction)


Amanda D. Steward
Paralegal to Jason M. Imhoff

December 2, 2015

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December 2, 2015

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11639
Columbia, SC 29211

**Re: Stoneledge at Lake Keowee Owners' Association, Inc., et al. vs. IMK
Development Co., LLC, et al. vs. Michael Franz, et al.
Appellate Case No: 2015-000392**

Dear Ms. Kitchings,

Enclosed please find an original and two (2) copies of Marick Home Builders, LLC and Rick Thoennes' Designation of Matter and Initial Brief along with Proof of Service. Please return clocked copies in the enclosed, self-addressed, stamped envelope.

By a copy hereof, I am serving the same upon the Respondents' counsel.

Thank you for your assistance in this matter.

Sincerely,

The Ward Law Firm, PA



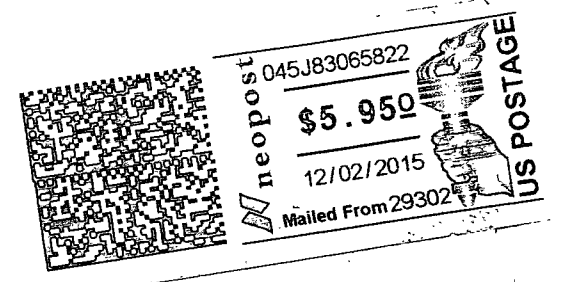
Chad M. Graham

CMG/ads
Enclosure

Cc: Robert T. Lyles, Jr., Esquire
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