

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM LEXINGTON COUNTY
In the Court of Common Pleas

SC Court of Appeals

William P. Keesley, Circuit Court Judge
James W. Johnson, Jr., Circuit Court Judge

Appellate Case No. 2014-001519

McGuinn Construction Management, Inc.,.....Appellant,

v.

Saul Espino and Mara Espino,.....Respondents,

and

Saul Espino and Mara Espino,.....Respondents,

v.

Gates Commons, LLC, S. Wade McGuinn, Individually,
and Town of Lexington,Defendants,

Of whom Town of Lexington is.....Appellant.

SUPPLEMENTAL RECORD ON APPEAL

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STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE CIVIL COURT

McGUINN CONSTRUCTION
MANAGEMENT, INC.,

Plaintiff,

-vs-

SAUL ESPINO AND
MARA ESPINO

Defendants.

TRANSCRIPT OF RECORD

05-CP-32-2712

December 22, 2009
Lexington, South Carolina

B E F O R E:

HONORABLE R. KNOX MCMAHON, Judge.

A P P E A R A N C E S:

BARRY L. THOMPSON, II, Esquire
S. JAHUE MOORE, Esquire
Attorneys for the Plaintiff

ANDREW A. AUN, Esquire
Attorney for the Defendants

L. COCONUT PANTSARI, R.P.R.
Circuit Court Reporter

1 protected in that regard.

2 MR. AUN: Thank you, Your Honor.

3 THE COURT: All right, Mr. Thompson.

4 MR. THOMPSON: Your Honor, may it please the
5 Court. The Court is very aware of the procedure of this
6 matter. Before Judge Johnson, in the hearing over a
7 year ago, there were essentially dual, competing motions
8 for summary judgment in this matter. This case concerns
9 a sewer easement and essentially the scope of a sewer
10 easement.

11 Basically Plaintiff's claims and most of
12 Defendant's counterclaims really depend on whether or
13 not, (A), there is an easement; (B), the plaintiff is
14 allowed to operate in the easement; and, (C), what the
15 scope of the easement was.

16 The Court heard these competing motions for
17 summary judgment, and if I may approach.

18 THE COURT: Yes, sir.

19 (Attorneys confer).

20 MR. THOMPSON: Both of these documents should
21 be in the Court's file.

22 THE COURT: All right.

23 MR. THOMPSON: They were the only pieces of
24 evidence that were presented before the Court at the
25 motion hearing -- at the motion hearing. The only

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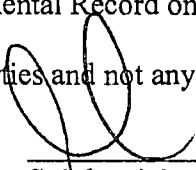
v.

Gates Commons, LLC, S. Wade McGuinn, Individually,
and Town of Lexington,Defendants,

Of whom Town of Lexington is.....Appellant.

CERTIFICATE OF COUNSEL

The undersigned certifies that the Supplemental Record on Appeal contains all
material proposed to be included by any of the parties and not any other material.



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June 1, 2015

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PROOF OF SERVICE

I, Lynn G. Ivey, an employee of Moore Taylor Law Firm, P.A., certify that I have on this day effected service of the Supplemental Record on Appeal upon counsel of record, by placing a copy of same in the United States mail in an envelope with sufficient postage affixed thereto, addressed as listed below.

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West Columbia, South Carolina
June 1, 2015