

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM DORCHESTER COUNTY
COURT OF COMMON PLEAS

THE HONORABLE DIANE S. GOODSTEIN
CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2015-002198
CIVIL ACTION NO. 2012-CP-18-2001

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JAN 22 2016

SC Court of Appeals

R. H. Moore Company, Inc.,

RESPONDENT,

versus

Knight's Precast, Inc.; Tobias & West, LLC;
Eric W. Tobias, P.E.; Dorchester County Water
and Sewer Department; Underground Solutions, Inc.;
B.P. Barber and Associates, Inc. n/k/a URS Corporation;
and Utility Services Authority, LLC;

DEFENDANTS,

Of which Underground Solutions, Inc. is the

APPELLANT.

**DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

Underground Solutions, Inc., Appellant in the above referenced matter, proposes the following be included in the Record on Appeal:

1. Complaint, filed August 21, 2012;
2. Third Amended Complaint with attached exhibits, filed October 17, 2014;

3. Answer and Counterclaim, filed October 31, 2014;
4. Reply to Counterclaim, filed November 13, 2014;
5. R.H. Moore Company, Inc.'s Motion for Summary Judgment, filed March 20, 2015;
6. Underground Solutions, Inc.'s Motion for Summary Judgment, filed March 23, 2015;
7. Underground Solutions, Inc.'s Memorandum in Support of Motion for Summary Judgment with attached exhibits including Terms and Conditions (Ex. A) and Deposition of Dr. Gene Palermo (Ex. B), filed April 16, 2015;
8. Order on Summary Judgment Motions, filed October 1, 2015;
9. Transcript of Summary Judgment Hearing held on April 17, 2015 before The Honorable Diane S. Goodstein;
10. Affidavit of Henry Moore and Exhibit C only (contract between R.H. Moore Company, Inc. and Utility Services Authority, LLC);
11. Deposition of Steve Thornton (designated pages only): pp. 1-6, 28, 54-55, and 80-83;
12. Deposition of Gary Shepherd (designated pages only): pp. 1-6, 40, 44, and 57-60; and
13. Deposition of Bradley S. King (designated pages only): pp. 1-4, 7, and 21-22.

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

[signature on following page]

Respectfully submitted,



Franklin J. Smith, Jr.
Carmen V. Ganjehsani
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1900 Barnwell Street (29201)
Post Office Drawer 7788
Columbia, South Carolina 29202
(803) 771-4400
**ATTORNEYS FOR APPELLANT
UNDERGROUND SOLUTIONS, INC.**

January 20, 2016.

CERTIFICATE OF SERVICE

I, the undersigned, an employee of Richardson Plowden & Robinson, P.A., for Appellant, Underground Solutions, Inc., do hereby certify that I have this date served the foregoing Designation of Matter to Be Included in the Record on Appeal, dated January 20, 2016, by personally depositing a copy of the same in a United States Postal Service mailbox, postage prepaid, addressed to the parties indicated below:

W.H. Bundy, Jr., Esquire
M. Brent McDonald, Esquire
1037 Chuck Dawley Blvd, #F100
Mt Pleasant, SC 29464
Attorneys for Respondent
R.H. Moore Company, Inc.

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Carmen V. Ganjehsani
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Columbia, South Carolina 29202
ATTORNEYS FOR APPELLANT
UNDERGROUND SOLUTIONS, INC.

Date: January 20, 2016.

Reply to: **Carmen V. Ganjehsani**
Direct Dial: 803-253-8692
cganjehsani@richardsonplowden.com

January 20, 2016

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SC Court of Appeals

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

Re: *R.H. Moore Company, Inc. v. Underground Solutions, Inc. et al.*
Appellate Case No. 2015-002198
Case No.: 2012-CP-18-2001
RPR File No.: 121-665

Dear Ms. Kitchings:

Enclosed for filing are the original Initial Brief of Appellant, Underground Solutions, Inc., and Designation of Matter to be Included in the Record on Appeal in the above referenced matter, along with our original Certificates of Service.

By copy of this letter, we are this day serving a copy of our Initial Brief and Designation of Matter on counsel for the Respondent.

Should you have any questions regarding this matter, please do not hesitate to call.

Sincerely,



Carmen V. Ganjehsani

CVG
Enclosures

cc: W. H. Bundy, Jr., Esquire (w/encls)
M. Brent McDonald, Esquire (w/encls)
Frank Smith, Esquire (w/encls)

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