

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

APPEAL FROM OCONEE COUNTY  
Court of Common Pleas

MAR 17 2016

Alexander S. Macaulay, Circuit Court Judge

**SC Court of Appeals**

Case No. 2009-CP-37-00652

Stoneledge at Lake Keowee Owners' Association, Inc., C. Dan Carson, Jeffrey J. Dauler, Joan W. Davenport, Michael Furnari, Donna Furnari, 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 others similarly situated, Plaintiffs,

Of Whom Stoneledge at Lake Keowee Owners' Association, Inc. is the, ..... Respondent,

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 C. 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 Whom IMK Development Co., LLC, Integrys Keowee Development, LLC, William C. Cox and Larry D. Lollis are the , ..... Appellants.

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

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

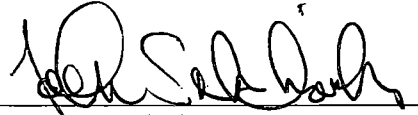
1. Order granting leave to file Third Amended Complaint of 3/29/12;
2. Form 4 Order denying Cox and Lollis' Motions for Summary Judgment of 7/25/13;
3. Order granting motion for separate trials of 8/28/13;
4. Order granting Summary Judgment to Marick Home Builders and Rick Thoennes as to Crossclaims from Integrys Keowee, IMK, Larry Lollis and William Cox of 10/21/13;
5. Final Judgment, Jury Verdict Form and Apportionment Form of 11/8/13;
6. Order Denying Defendants' Post-Trial Motions of 1/22/16;
7. Form 4 Judgment of 1/30/16 amending prior Form 4 Judgment;
8. Third Amended Complaint;
9. IMK, IKD, Cox and Lollis' Motions for JNOV, New Trial, to Alter or Amend the Judgment, for Set Off, and for Election of Remedies with Memorandum in Support and exhibits of 11/19/13 and 2/18/15;
10. Plaintiffs' Motion for Partial Summary Judgment as to Liability of IMK, Integrys Keowee, William Cox, Larry Lollus, Marick Home Builders, Rick Thoennes, Ludwig Corporation and SDI Funding Memorandum in Support of 8/10/12;
11. Cox and Lollis' Motion for Summary Judgment of 1/7/13;
12. Cox and Lollis' Memorandum in Support of Motion for Summary Judgment 7/22/13;
13. Marick, Rick Thoennes, M Group, IMK, IKD, Cox and Lollis's Motion to Dismiss or Alternatively Motion for Summary Judgment, Compel, or Strike Plaintiffs' Addition by Assignment of 26 New Plaintiffs of 10/25/13;
14. IMK, IKD, Cox and Lollis' Memorandum in Response to Post-Trial Motions of Plaintiff and Bostic of 12/17/13;
15. IMK, IKD, Cox and Lollis' Post-Trial Submission of 5/19/14;
16. Trial Transcript pp. 35-36, 285-286, 1082-1084, 1087-1099, 1100-1104, 1106-1111, 1113-1124, 1127-1130, 1132-1134, 1139-1149, 1155-1159, 1162-1166, 1169-1170, 1186, 1258-1260, 1283-1287, 1317-1348, 1535-1536, 1540-1542, 1557-558, 1562-1563, 1569-1571, 1589-1595, 1600-1612, 1619-1625, 1718-1744, 1750-1755, 1759-1780;
17. Plaintiff's Exhibit 3, 34, 38, 39,
18. Letter of Lyles, 11/25/13;

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

/Signature page attached

March 14, 2016

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John S. Nichols", written over a horizontal line.

John S. Nichols

SC Bar No. 4210

Bluestein, Nichols,

Thompson & Delgado, LLC

Post Office Box 7965

Columbia, South Carolina 29202

(803) 779-7599

Attorneys for Appellant

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v.

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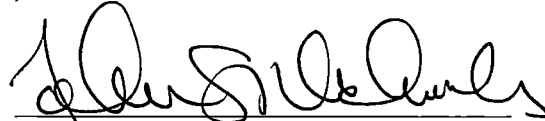
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**PROOF OF SERVICE**

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The undersigned hereby certifies that on the date indicated below he served counsel for the Respondent with a copy of the *Initial Brief of Appellants and Designation of Matter to be Included in the Record on Appeal* by mailing copies of the same by United States Mail with first class postage prepaid to the following address:

Robert T. Lyles, Jr.  
Lyles & Lyles, LLC  
PO Box 773  
Charleston, SC 29402



John S. Nichols  
BLUESTEIN, NICHOLS, THOMPSON  
& DELGADO, LLC

March 14, 2016  
Columbia, South Carolina



BLUESTEIN · NICHOLS · THOMPSON · DELGADO LLC  
ATTORNEYS AT LAW

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March 14, 2016

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

RE: Stoneledge v. IMK Dev. (Integrays Keowee)  
Case Tracking No.: 2015-000343

Dear Ms. Kitchings:

Please find enclosed for filing the original and one (1) copy of the Initial Brief of Appellants and Designation of Matter to be Included in the Record on Appeal in regards to this matter. I have also enclosed a Proof of Service upon counsel for the Respondent. Please return the additional filed copies to me via the enclosed prepaid envelope.

Thank you for your attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

John S. Nichols  
BLUESTEIN, NICHOLS, THOMPSON &  
DELGADO, LLC

JSN:emb

Enclosures

cc: Cynthia B. Brown, Esquire  
R. Patrick Smith, Esquire  
Robert T. Lyles, Jr., Esquire