

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM THE DORCHESTER COUNTY COURT OF COMMON PLEAS

Diane Schafer Goodstein, Circuit Court Judge

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Appellate Case No.: 2015-002198

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RECEIVED  
MAR 22 2016  
SC Court of Appeals

R. H. Moore Company, Inc.

Respondent,

vs.

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

Of which Underground Solutions, Inc. is the Appellant.

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


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Respondent 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. Underground Solutions' Answer and Counterclaim, filed October 31, 2014;
4. R. H. Moore Company, Inc. Reply to Counterclaim, filed November 13, 2014;
5. R. H. Moore Company, Inc.'s Motion for Summary Judgment as to Underground Solutions, Inc., filed March 20, 2015;
5. Transcript of Summary Judgment Hearing held on April 17, 2015, before The Honorable Diane S. Goodstein;
6. Order on Summary Judgment Motions, filed October 1, 2015;

7. E-mail from Frank Smith to Bill Bundy, Brent McDonald, Paul Sperry and Steve Smith re: Case 2012CP1802001-R.H. Moore Company, Inc. vs Knights Precast, Inc. defendant, et al added to Court Roster for period 2015-10-26 through 2015-10-30, dated October 19, 2015;
8. Affidavit of Henry Moore and Exhibit A, dated April 14, 2015;
9. 30(b)(6) Deposition of Supplier Underground Solutions. Inc. (Bradley S. King);
10. 30(b)(6) Deposition of Supplier Underground Solutions. Inc. (Gary Sheppard);
11. Exhibit 9 to the 30(b)(6) Deposition of Supplier Underground Solutions. Inc. (Gary Sheppard);
12. 30(b)(6) Deposition of Contractor R. H. Moore Company, Inc. (Steve Thornton);
13. Exhibit 19 to the 30(b)(6) Deposition of Contractor R. H. Moore Company, Inc. (Steve Thornton);

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

  
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M. Brent McDonald, SC Bar # 78057  
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(843) 881-1623  
Attorneys for Respondent R. H. Moore Company, Inc.

Mt. Pleasant, South Carolina  
March 18, 2016

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Of which Underground Solutions, Inc. is the Appellant.

PROOF OF SERVICE

I certify that I served the Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal on the Appellant by depositing a copy of said document in the United States Mail, postage prepaid, on Appellant Underground Solutions, Inc., addressed to its attorney of record, Franklin J. Smith, Jr., Esquire, at Richardson, Plowden, Carpenter & Robinson, P.A., Post Office Drawer 7788, Columbia, SC 29201.

SMITH, BUNDY, BYBEE & BARNETT, P.C.



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March 18, 2016

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M. BRENT MCDONALD  
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March 18, 2016

**VIA FED EX**

The Honorable Jenny Abbott Kitchings  
Clerk of Court, S.C. Court of Appeals  
1220 Senate Street  
Columbia, SC 29211  
803-734-1890

RECEIVED

MAR 22 2016

Re: R.H. Moore Company, Inc. v. Underground Solutions, Inc. et al  
Appellate Case No. 2015-002198

SC Court of Appeals

Dear Ms. Kitchings:

Please find enclosed for filing with the South Carolina Court of Appeals the following:

1. The original and one copy of the Initial Brief of the Respondent;
2. The original and one copy of the Designation of Matter to Be Included in the Record on Appeal of the Respondent;
3. The original and one copy of the Proof of Service of the above.

Please file the originals and return a file stamped copy of each to us in the envelope provided for your convenience.

By copy of this letter I am serving the above on counsel for the Appellant as shown by the Proof of Service.

I thank you for your attention to this matter.

Sincerely yours



M. Brent McDonald  
P.O. Box 1542  
Mt. Pleasant, SC 29464  
(843) 881-1623  
Attorney for Respondent

MBM/sfr  
Enclosures

cc: Franklin J. Smith, Jr., Esquire  
Attorney for Appellant Underground Solutions, Inc.