

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

The Honorable Alexander S. Macaulay, Circuit Court Judge

RECEIVED

Lower Court Case No. 2009-CP-37-00652
Court of Appeals Case No. 2015-000417

JUN 07 2016

SC Court of Appeals

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,

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 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 FirstSource Southeast Group, Mike Green, Southern Concrete Specialties, Carl Compton d/b/a Compton Enterprise d/b/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, Inc., Carl Catoe Construction, Inc., T.G. Construction,

LLC, Delfino Construction; Francisco Javier Zarate d/b/a Zarate Construction, Alejandro Avalos Cruz, Heriberto Acros Hernandez, Martin Hernandez-Aviles; Francisco Villalobos Lopez, Ambrosio Martinez-Ramirez; Ester Moran Mentado, Socorro Castillo Montel, Upstate Utilities, Inc., MJG Construction and Homebuilders, Inc. d/b/a MJG Construction, KMAC of the Carolinas, Inc., Eufacio Garcia, Everado Jarmamillo, Garcia Parra Insulation, Inc., J&J Construction, Jose Nino, Jose Manuel Garcia, Eason Construction, Inc., and Vincent Morales d/b/a Morales Masonry, Appellants.
(Of Whom Bostic Brothers Construction, Inc., is the Appellant)

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

The Appellant, Bostic Brothers Construction, Inc., in addition to the Designation of Matter submitted with Appellant's Initial Brief, proposes the following to be included in the Record on Appeal:

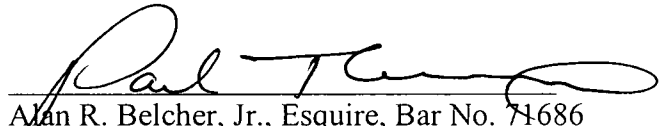
1. Notice of Appeal
2. Second Amended Notice of Appeal;
3. Plaintiffs' First Amended Complaint;
4. Defendants' Answer to Plaintiffs' First Amended Complaint;
5. Plaintiffs' Third Amended Complaint;
6. Defendants' Answer to Plaintiffs' Third Amended Complaint;
7. Bostic Brothers Construction, Inc.'s Rule 59 Motion to Reconsider filed February 19, 2015;
8. Order Denying Bostic Brothers Construction, Inc.'s Rule 59 Motion to Reconsider filed March 13, 2015;
9. Plaintiffs' Motion to Alter or Amend Judgment dated November 18, 2013;
10. Order granting Plaintiffs' Motion to Alter or Amend Judgment dated November 18, 2013;
11. Defendants' Motion for Judgment Notwithstanding the Verdict Entered November 18, 2013, filed November 21, 2013;
12. Defendants' Motion Pursuant to S.C. Code § 15-35-50 for an Order Granting Set-Off;
13. Defendants' Motion Requesting a New Trial Absolute;
14. Defendants' Motion Requesting a New Trial Nisi Remittitur;
15. Defendants' Motion to Alter or Amend Judgment Entered on January 30, 2015, filed February 19, 2015;

16. Final Judgment, Apportionment Form, and Jury Verdict Form filed on November 8, 2013;
17. Form 4 and Jury Verdict Form;
18. Form 4 and Order Denying Defendants' Post-Trial Motions filed on January 22, 2015;
19. Form 4 Judgment filed on January 30, 2015, amending prior Form 4 Final Judgment filed on November 8, 2013;
20. Transcript of Judgment filed on January 30, 2015;
21. Post-Trial Motion for Entry of Respondent;
22. Plaintiffs' Post-Trial Motion for Entry of Judgement served November 18, 2013;
23. Appellants' Initial Brief served December 3, 2015;
24. Respondents' Initial Brief served May 13, 2016;
25. Am. and Restated Bylaws of Stoneledge at Lake Keowee Owners' Association, Inc., (Pls.' Ex. P-3, P-4, P-5);
26. Decl. of Covenants, Conditions, and Restrictions for Stoneledge at Lake Keowee, Article VII;
27. Excel Spreadsheet entered into evidence by Plaintiffs (Pls.' Ex. 42) at trial;
28. Plaintiffs' Ex. P-10 entered into evidence at trial;
29. Defendants' Special Jury Interrogatory (Ct. Ex. 3);
30. Transcript of Proceedings pages 303; 305-307; 351; 469-470; 481; 495; 1044; 1046; 1048; 1049; 1075; 1131-1132; 1168; 1171; 1175; 1234-1243; 1240; 1246; 1282; 1555; 1556-1557; 1609; 1624; 1756-1757.
31. Appellant designates the following from the Respondent, Stoneledge at Lake Keowee Owner's Association, Inc.'s Designation of Matter:
 - a. Letter of Lyles dated November 25, 2013;
 - b. Trial Exhibit P-2, P-3, P-4, P-7, P-27, P-28, P-30;
 - c. Trial Exhibit DB-4;
 - d. Transcript of Record of Post-Trial Motions, dated April 10, 2014;
 - e. Order granting motion for separate trials of August 28, 2013;
32. Appellant designates the entire trial transcript, pages 1 through 1,783, and all exhibits introduced and admitted at trial, not otherwise identified above, but only insofar as the Court deems it necessary to inquire therein.
33. Appellant designates all pleadings, motions, and briefs of record in this matter filed with the Court of Appeals and all Post-Trial Motions filed with the trial court.

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

[SIGNATURE ON FOLLOWING PAGE]

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Trainor", written over a horizontal line.

Alan R. Belcher, Jr., Esquire, Bar No. 71686

Elizabeth F. Wieters, Esquire, Bar No. 78064

Paul Trainor, Esquire, Bar No. 101405

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*Attorneys for Appellant, Bostic Brothers
Construction, Inc.*

Dated: June 2, 2016

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

The Honorable Alexander S. Macaulay, Circuit Court Judge

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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,

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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 FirstSource Southeast Group, Mike Green, Southern Concrete Specialties, Carl Compton d/b/a Compton Enterprise d/b/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.,

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(Of Whom Bostic Brothers Construction, Inc., is the Appellant)

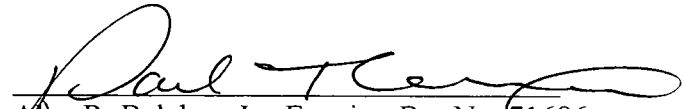
PROOF OF SERVICE

I certify that I have served the Appellant's Designation of Matter to be Included in the Record on Appeal upon the Respondents by depositing a copy of same in the United States Mail, First Class postage prepaid, on June 2, 2016, addressed to Respondents' attorneys of record, Robert T. Lyles, Jr., Esquire, Lyles & Lyles, LLC, PO Box 773, Charleston, SC 29402.

Also served by the same means are the following: Cynthia Buck Brown, Esquire and R. Patrick Smith, Esquire of Harper Lambert & Brown, PA, P.O. Box 908, Greenville, SC 29602 (attorneys for IMK Development Co., LLC, Integrys Keowee Development, LLC, William C. Cox, and Larry Lollis), Jason M. Imhoff, Esquire and Chad M. Graham, Esquire of The Ward Law Firm, P.A., P.O. Box 5663, Spartanburg, SC 29304 (attorneys for Marick Home Builders, LLC and Rick Thoennes).

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

[SIGNATURE ON FOLLOWING PAGE]



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June 2, 2016

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VIA U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RE: Stoneledge v. Bostic Brothers Construction
Ct. App. No.: 2015-000417

Dear Ms. Kitchings:

Enclosed please find the original and six copies of Appellant's Reply Brief with Proof of Service, and Appellant's Designation of Matter to be Included in the Record on Appeal with Proof of Service in regard to the above-referenced matter.

I have also included an extra copy of the enclosed documents, and would appreciate the stamped copy be returned to our office in the enclosed self-addressed stamped envelope.

Thank you for your assistance in this matter. If you have any questions or concerns, please do not hesitate to contact our office.

Sincerely,



Shellie L. Fischer
Legal Assistant

/slf

Enclosures

cc: Robert T. Lyles, Jr., Esq. (via U.S. Mail)
Cynthia Buck Brown, Esq. (via U.S. Mail)
R. Patrick Smith, Esq. (via U.S. Mail)
Jason M. Imhöff, Esq. (via U.S. Mail)
Chad M. Graham, Esq. (via U.S. Mail)