

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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AUG 15 2016

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
The Honorable Kristi Lea Harrington, Circuit Court Judge

SC Court of Appeals

Case No. 2008-CP-10-0049
Appellate Case No. 2016-000185

Mark F. Teseniar and Nan M. Teseniar, on behalf of themselves and others similarly situated, and Twelve Oaks at Fenwick Property Owners Association, Inc., (from December 16, 2008 to present),Respondents,

v.

Fenwick Plantation Tarragon, LLC, a South Carolina Limited Liability Company f/k/a Fenwick Tarragon Apartments, LLC, a South Carolina Limited Liability Company, Charleston Tarragon Manager, LLC, a Delaware Limited Liability Company, Tarragon Development Corporation, a Nevada Corporation, Summit Contractor WSW Group, Inc., Summit Contractors, Inc., Fugleberg Koch Architects, Inc., Development, Compliance & Inspectors, Inc., H2L Consulting Engineers, Twelve Oaks at Fenwick Property Owners Association, Inc., (from August 6, 2006 to December 15, 2008), Professional Plastering & Stucco, Inc., Johnson Companies, Inc., d/b/a Johnson Roofing, Inc., Los Compos, Inc., North Florida Framing, Inc., Best Masonry & Tool Supply, Inc., Marquez Construction, Inc., J.T. Walker Industries, Inc., J.T. Industries d/b/a General Aluminum Corporation and General Aluminum Company of Texas, LP, J.R. Hobbs Co.-Atlanta, LLC f/k/a JRH Merger Co., LLC, Jamie Helman, individually, Scott Ferguson, individually, and Chris Cobbs, individually, and Federal Insurance Company, Maria Arias, Miquel Roales, APS Enterprises, Unlimited, Inc., HR Electric, A.M. Jacobs, Inc., Mikey Mason d/b/a Mason Contractors KMAC of the Carolinas, Inc., NEO Corporation and Nava Guzman Construction, Inc.,

.....Respondents,

And Mt. Hawley Insurance Company,

.....Appellant/Intervenor.

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

Appellant asserts the following documents should be included in the Record on Appeal:

1. Underlying Class Action Complaint
2. Trial Brief of North Florida Framing
3. North Florida Framing Motion to Bifurcate Trial
4. September 9, 2010 Complex Case Designation Order
5. November 18, 2010 Order of The Honorable Roger Young
6. May 19, 2011 Motion and Proposed Order Preliminarily Approving Partial Class Action Settlement
7. June 10, 2011 Final Order Approving Partial Class Action Settlement
8. North Florida Framing Third-Party Complaint
9. Underlying Jury Trial pp. 59-65
10. May 6, 2011 Settlement E-mail
11. Consent Order Relieving Counsel for North Florida Framing
12. Underlying Jury Trial Transcript Vol. 1 pp. 86-89
13. Underlying Jury Trial Transcript pp. 100-108
14. Underlying Jury Trial Transcript pp. 651-700
15. Covenant not to Execute
16. Order of Default dated August 9, 2011
17. July 22, 2011 Notice of Appeal filed by Professional Plastering
18. Transcript of Damages Hearing dated May 14, 2013
19. Order of Default Judgment
20. Notice of Proposed Settlement with Professional Plastering
21. Declaratory Judgment Action against Mt. Hawley

22. July 28, 2015 Motion to Intervene and for Relief from Judgments

23. Transcript of January 12, 2016 Motion Hearing

24. Transcript of January 14, 2016 Motion Hearing

25. Order Denying Intervention and Relief from Judgments

26. Mt. Hawley Notice of Appeal


27. Actions Docket for Underlying Case 2008-CP-10-00049

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

Respectfully Submitted by:

ANDREW K. EPTING, JR., LLC

By


Andrew K. Epting, Jr.

Michelle N. Endemann

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Attorneys for Appellant

Dated this 5 day of August 2016
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas for the Ninth Circuit

Kristi Lea Harrington, Circuit Court Judge

CASE NO. 2008-CP-10-0049

Appellate Case No. 2016-000185

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Mark F. Teseniar and Nan M. Teseniar, on behalf of themselves and others similarly situated, and Twelve Oaks at Fenwick Property Owners Association, Inc. (from December 16, 2008 to present), Respondents,

v.

Fenwick Plantation Tarragon, LLC, a South Carolina Limited Liability Company, f/k/a Fenwick Tarragon Apartments, LLC, A South Carolina Limited Liability Company, Charleston Tarragon Manager, LLC, a Delaware Limited Liability Company, Tarragon Development Corporation, a Nevada Corporation, Summit Contractor WSW Group, Inc., Summit Contractors,, Inc., Fugleberg Koch Architects, Inc., Development, Compliance & Inspections, Inc., H2L Consulting Engineers, Twelve Oaks T Fenwick Property Owners Association, Inc., (from August 6, 2006 to December 15, 2008), Professional Plastering & Stucco, Inc., Johnson Companies, Inc., d/b/a Johnson Roofing, Inc., Los Compos, Inc., North Florida Framing, Inc., Best Masonry & Tool Supply, Inc., as successor in interest to Manga Wall Inc., All South Vinyl Products, Inc., Marquez Construction, Inc., J.T. Walker Industries, Inc., J.T. Industries d/b/a General Aluminum Corporation and General Aluminum Company of Texas, LP, J.R. Hobbs Co.-Atlanta, LLC f/k/a JRH Merger Co., LLC, Jamie Helman, individually, Scott Ferguson, individually, and Chris Cobbs, individually, and Federal Insurance Company, Maria Arias, Miquel Roales, APS Enterprises, Unlimited, Inc., HR Electric, A.M. Jacobs, Inc., Mickey Mason, d/b/a Mason Contractors KMAC of the Carolinas, Inc., NEO Corporation and Vava Guzman Construction Company, Inc., Respondents,

And Mt. Hawley Insurance Company is the Appellant/Proposed Intervenor.

PROOF OF SERVICE

I certify that I have served the Appellant's Designation of Matter to be Included in the Record on Appeal on all counsel of record by depositing a copy in the United States Mail, Postage prepaid, on August 8, 2016, addressed to as follows:

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864 Lowcountry Blvd., Ste A
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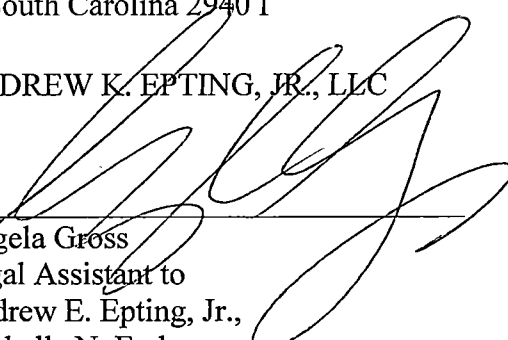
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Attorneys For Appellant / Intervenor

ANDREW K. EPTING, JR., L.L.C.
ATTORNEYS AT LAW

August 5, 2016

RECEIVED
AUG 15 2016
SC Court of Appeals

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

RE: Mark F. Teseniar et al. v. Fenwick Plantation et al.
Appellate Case No.: **2016-000185**

Dear Ms. Kitchings:

Enclosed for filing please find the original and one (1) copy of Appellant's Designation of Matter to be Included in the Record on Appeal in the above-referenced matter. I would greatly appreciate your filing the original and returning the file-stamped copies to me in the self-addressed, stamped envelope

Thank you for your consideration in this matter.

With kindest regards,

ANDREW K. EPTING, JR., LLC



Andrew K. Epting, Jr.

AKE,Jr./agg

Enclosures – as stated

cc: Phillip W. Segui, Jr., Esquire
Jefferson Leath, Esquire
Jesse Kirchner, Esquire
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Columbia SC 29201-3769

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