

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Civil Action No. 2013-CP-10-4592
Appellate Case No. 2016-000471

RECEIVED
AUG 23 2016
SC Court of Appeals

Maria Allwin,.....Appellant,

v.

Russ Cooper Associates, Inc., Buffington Homes, L.P.,
and Shope Reno Warton, Defendants,

Of whom, Russ Cooper Associates, Inc. and Shope Reno Warton are.....Respondents.

Buffington Homes, L.P.,Third-Party Plaintiff,

v.

Albrecht Environmental, Inc., All Points Construction, Inc.,
Patriots Drywall, Inc., Picquet Roofing, Inc., Sprayseal Foam
Insulation, and Tischler Und Sohn (USA) Limited, ...Third-Party Defendants.

RESPONDENT RUSS COOPER ASSOCIATES, INC.'S DESIGNATION OF
MATTERS TO BE INCLUDED IN THE RECORD ON APPEAL

In addition to the material previously designated by the Appellant, Respondent Russ Cooper Associates, Inc. ("RCA") proposes that the following material be included in the Record on Appeal:

1. Complaint (Aug. 5, 2013);
2. Deposition of Cynthia Noble (Apr. 27, 2015);
3. Deposition of Robert Cowan (May 12, 2015);

4 Exhibits to RCA's Memorandum in Support of Motion for Summary Judgment (Sept. 9, 2015), including:

- a. Exhibit 3 – Feb. 4, 1999 letter regarding leaks and rot;
- b. Exhibit 4 – Feb. 8, 1999 document regarding leaks and mold;
- c. Exhibit 6 – Mar. 24, 2000 letter regarding leaks;
- d. Exhibit 8 – May 3, 2000 memorandum regarding leaks;
- e. Exhibit 12 – Mar. 23, 2001 letter regarding leaks and damage;
- f. Exhibit 14 – May 21, 2001 letter regarding leaks;
- g. Exhibit 15 – May 24, 2001 letter regarding leaks;
- h. Exhibit 16 – June 1, 2001 letter regarding leaks, mold, and damage;
- i. Exhibit 18 – June 23, 2001 Cowan letter regarding leaks and damage;
- j. Exhibit 19 – Aug. 2001 inspection report re leaks and damage;
- k. Exhibit 20 – Sept. 4, 2001 moisture detection report regarding leaks, damage, and research into forensic experts;
- l. Exhibit 21 – Sept. 19, 2001 report regarding unsealed penetrations;
- m. Exhibit 22 – Oct. 24, 2001 letter regarding leaks and statute of limitations;
- n. Exhibit 24 – Jan. 8, 2002 letter regarding leaks and damage;
- o. Exhibit 25 – Mar. 5, 2002 letter regarding leaks and damage;
- p. Exhibits 26 – Apr. 15, 2002 roof repair research;
- q. Exhibit 27 – Apr. 23, 2002 roof repair research;
- r. Exhibit 28 – Aug. 22, 2002 document regarding leaks and damage;
- s. Exhibit 30 – Nov. 20, 2002 email regarding investigation of leaks;
- t. Exhibit 31 – Mar. 4, 2003 letter regarding damage and preparation for repairs;
- u. Exhibit 32 – July 21, 2003 report regarding defects and damage, and proposing repairs;
- v. Exhibit 37 – Aug. 15, 2003 engineer's report regarding defects and damage, and proposing further investigation;
- w. Exhibit 38 – Sept. 15, 2003 letter regarding investigation by architect and mold testing;
- x. Exhibit 39 – Sept. 12, 2003 letter proposing leak/mold testing methods;
- y. Exhibit 41 – Oct. 11, 2003 letter regarding roof defects, roof repair costs, and mold testing costs;
- z. Exhibit 44 – Nov. 9, 2003 letter regarding defects, repair costs, mold testing costs, and proposing additional investigation;
- aa. Exhibit 45 – Nov. 13, 2003 scope of repair to address defects;
- bb. Exhibit 49/51 – Jan. 8, 2004 letter regarding defects, repair options, and statute of limitations;
- cc. Exhibit 54 – Feb. 19, 2004 contract to repair defects;
- dd. Exhibit 58 – Mar. 30, 2004 letter regarding damage and investigation;
- ee. Exhibits 62-63 – Mar. 5, 2004 photographs of roof defects;
- ff. Exhibits 69-71 – Mar. 5, 2004 photographs of mold/damage;
- gg. Exhibits 72-75 – Mar. 5, 2004 photographs of mold/damage and window leaks;
- hh. Exhibits 76-77 – Mar. 5, 2004 photographs of mold/damage;
- ii. Exhibit 81 – Mar. 5, 2004 photographs of mold/damage;

- jj. Exhibits 82-86 – Mar. 5, 2004 photographs of mold/damage and window leaks;
- kk. Exhibits 87-92 – Mar. 5, 2004 photographs of mold/damage;
- ll. Exhibits 94-95 -- Mar. 5, 2004 photographs of mold/damage;
- mm. Exhibits 97-100 -- Mar. 5, 2004 photographs of mold/damage;
- nn. Exhibits 109-14 – Mar. 5, 2004 photographs of roof defects;
- oo. Exhibits 135-39 – Mar. 5, 2004 photographs of roof defects;
- pp. Exhibits 141-43 – Mar. 5, 2004 photographs of roof defects;
- qq. Exhibits 146-47 – Mar. 5, 2004 photographs of basement leaks;
- rr. Exhibit 150 -- Mar. 5, 2004 photographs of roof defects;
- ss. Exhibit 163 – Apr. 27, 2004 engineering report regarding defects and damage;
- tt. Exhibit 165 – May 7, 2004 report regarding rot with walls;
- uu. Exhibit 167 – May 10, 2004 report regarding mold and proposing repairs;
- vv. Exhibit 172 – May 28, 2004 memorandum regarding rot within walls;
- ww. Exhibit 174 – June 7, 2004 letter regarding original construction defects;
- xx. Exhibit 178 – July 6, 2004 letter regarding basement leaks;
- yy. Exhibit 182 – Sept. 24, 2004 letter regarding basement leaks and repair costs;
- zz. Exhibit 212 – Nov. 30, 2005 leak repair invoice;
- aaa. Exhibit 213 – Cost summary for 2004-05 repairs to remedy defects;
- bbb. Exhibit 215 – July 11, 2006 inspection report regarding defects and damage, and recommending repairs and investigation;
- ccc. Exhibit 217 – July 24, 2006 report regarding mold and mold remediation;
- ddd. Exhibit 220 – Sept. 5, 2006 email regarding mold investigation;
- eee. Exhibit 221 – Sept. 6, 2006 email regarding mold investigation;
- fff. Exhibit 222 – Sept. 11, 2006 estimate to repair defects and damage;
- ggg. Exhibit 228 – July 29, 2007 letter regarding damage and required investigation;
- hhh. Exhibit 229 – Oct. 2007 inspection report regarding damage;
- iii. Exhibit 230 – Apr. 2008 inspection report regarding damage;
- jjj. Exhibit 235 – June 17-19, 2008 emails regarding repairs to address damage/defects;
- kkk. Exhibit 236 – June 20, 2008 email regarding repairs to address defects/damage;
- lll. Exhibit 237 – June 23, 2008 email regarding possible cause of mold;
- mmm. Exhibit 243 – July 2007 inspection report regarding leaks and damage;
- nnn. Exhibit 244 – July 24, 2008 investigation invoice;
- ooo. Exhibit 249 – Sept. 2008 inspection report regarding mold;
- ppp. Exhibit 254 – October 14, 2008 investigation invoice;
- qqq. Exhibit 257 – Oct. 17, 2008 regarding possible legal action;
- rrr. Exhibit 258 – Oct. 2008 inspection report regarding mold and damage;
- sss. Exhibit 260 – Nov. 24, 2008 email regarding proposed repairs to address damage and defects;
- ttt. Exhibit 261 – Nov. 24, 2008 proposal to repair damage and defects;
- uuu. Exhibit 276 – Feb. 2, 2009 invoice for roof repairs;

- vvv. Exhibit 280 – Feb. 27, 2009 proposal for additional roof repairs;
- www. Exhibit 282 – Mar. 17, 2009 emails regarding repairs;
- xxx. Exhibit 284 – Mar. 23, 2009 email regarding inspection by engineer;
- yyy. Exhibit 287 – Mar. 30, 2009 note regarding past water infiltration and request for inspection;
- zzz. Exhibit 290 – Apr.6, 2009 letter regarding inspection by engineer;
- aaaa. Exhibit 294 – May 26, 2009 proposal for inspection by engineer;
- bbbb. Exhibit 323 – delete
- cccc. Exhibit 336 – May 14, 2010 termite inspection report regarding damage and recommending further investigation;
- dddd. Exhibit 337 – May 14, 2010 home inspection report regarding damage and recommending further investigation;
- eeee. Exhibit 360 – Exemplar photograph of basement leak;
- ffff. Exhibit 362 – Exemplar photograph of basement leak;
- gggg. Exhibit 366 – Exemplar photograph of basement leak;
- hhhh. Exhibit 529 – May 10, 2011 report regarding defects and damage, and proposing repairs;
- iiii. Exhibit 545 – Dec. 29, 2011 report regarding defects and damage, and proposing repairs;
- jjjj. Exhibit 549 – Mar. 16, 2012 scope of repair to address defects and damage;
- kkkk. Exhibit 583 – Aug. 11, 2006 email regarding proposal to address damage;
- llll. Exhibit 590 – July 27, 2006 email regarding damage and prior repairs;
- mmmm. Exhibit 591 – Aug. 21, 2006 email regarding report/estimate to address damage;
- nnnn. Exhibit 592 – Oct. 2008 investigative report regarding damage, defects, and statute of limitations;
- oooo. Exhibit 593 – Apr. 28, 2001 Cowan notes regarding leaks and damage
- pppp. Exhibit 594 – June 13, 2001 Cowan letter regarding leaks
- qqqq. Exhibit 595 – Sept. 4, 2001 moisture detection report regarding leaks, damage, and research into forensic experts
- rrrr. Exhibit 596 – Dec. 2002 inspection report regarding leaks and damage;
- ssss. Exhibit 597 – Jan. 2003 inspection report regarding interior damage;
- tttt. Exhibit 598 – Mar. 2003 inspection report regarding mildew;
- uuuu. Exhibit 599 – Apr. 2003 inspection report regarding mildew;
- vvvv. Exhibit 600 – Mar. 24, 2009 invoice for interior repairs;
- wwwv. Exhibit 601 – Aug. 1, 2010 email regarding painting;
- xxxx. Exhibit 602 – Email concerning inspection report findings;
- yyyy. Exhibit 603 – Email regarding possible repairs; and
- zzzz. Exhibit 604 – 1993-2006 timeline of damage, investigations, and repairs.

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

BEST HONEYCUTT, P.A.

By: 

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Attorneys for Russ Cooper Associates, Inc.

August 22, 2016

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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J.C. Nicholson, Jr., Circuit Court Judge

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Patriots Drywall, Inc., Picquet Roofing, Inc., Sprayseal Foam
Insulation, and Tischler Und Sohn (USA) Limited,Third-Party Defendants.

PROOF OF SERVICE

I certify that I have served Respondent Russ Cooper Associates, Inc.'s *Initial Brief and Designation of Matters to be Included in Record on Appeal* by depositing a copy in the U.S. Mail, postage paid, on August 22, 2016, and via electronic mail to counsel of record as follows:

Robert T. Lyles, Jr., Esquire
Lyles & Lyles, LLC
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Attorney for Appellant

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Attorney for Respondent Shope Reno Wharton

August 22, 2016
Charleston, South Carolina

A handwritten signature in black ink, appearing to read 'Dani Knecht', written over a horizontal line.

Dani Knecht, Paralegal



BEST HONEYCUTT, PA
ATTORNEYS AT LAW

August 22, 2016

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RECEIVED
AUG 23 2016
SC Court of Appeals

Re: *Allwin vs. Russ Cooper Associates, Inc., et al.*
Appellate Case No.: 2016-000471
HB File No.: 0001-048

Dear Ms. Kitchings:

Please find enclosed the original and one (1) copy each of Respondent Russ Cooper Associates, Inc.'s Initial Brief, Designation of Matters to be Included in Record on Appeal, and Proof of Service. Please file the original and return the clocked copies to me in the envelope provided. Should you have any questions regarding the enclosed, please give me a call.

Respectfully submitted,

L. Dean Best

LDB/dlk
Enclosure

cc: All Counsel of Record (w/enc)

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SC Court of Appeals

BEST HONEYCUTT, P.A.

ATTORNEYS AT LAW

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TO: The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
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