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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA**  
**In the Court of Appeals**

\_\_\_\_\_  
APPEAL FROM CHARLESTON COUNTY  
The Honorable Kristi Lea Harrington, Circuit Court Judge

\_\_\_\_\_  
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., 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., Mikey Mason d/b/a Mason Contractors KMAC of the Carolinas, Inc., NEO Corporation and Vava Guzman Construction Company, Inc.,.....Defendants,

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

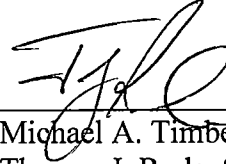
\_\_\_\_\_  
RESPONDENTS' DESIGNATION OF MATTER TO BE INCLUDED IN THE  
RECORD ON APPEAL  
\_\_\_\_\_

Respondents hereby designate that the following shall be included in the record on appeal:

1. Those items listed and set forth as 1-27 in Appellant's Designation of the Matter.<sup>1</sup>
2. May 9, 2011, transcript of underlying jury trial, pp. 66-69.<sup>2</sup>
3. August 8, 2011, Order of Dismissal as to Certain Defendants (with prejudice).

Respectfully submitted,

THURMOND KIRCHNER & TIMBES, P.A.



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*Attorneys for Respondents*

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<sup>1</sup> Respondents do not waive the right to assert that certain of these items were not presented to the lower court.

<sup>2</sup> Pages 59-65 have been designated in Appellant's Designation of Matter at item No. 9.

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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., 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., Mikey Mason d/b/a Mason Contractors KMAC of the Carolinas, Inc., NEO Corporation and Vava Guzman Construction Company, Inc.,.....Defendants,


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

**AFFIDAVIT OF SERVICE OF RESPONDENTS' INITIAL  
BRIEF & DESIGNATION OF MATTER**

I, Moira W. Kerrigan, an employee of Thurmond Kirchner & Timbes, P.A., attorneys for the Respondents, do hereby certify that I have on this date, hand-delivered, a true and correct copy of the Respondents' Initial Brief and Designation of Matter to be Included in the Record to the following counsel of record:

**FOR APPELLANT/PROPOSED INTERVENOR:**

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Michelle N. Endemann, Esquire  
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\_\_\_\_\_  
Moira W. Kerrigan  
Paralegal to Michael A. Timbes and  
Thomas J. Rode

November 7<sup>th</sup>, 2016  
Charleston, South Carolina

THURMOND KIRCHNER & TIMBES, P.A.  
ATTORNEYS & COUNSELORS AT LAW

15 MIDDLE ATLANTIC WHARF  
CHARLESTON, SOUTH CAROLINA 29401

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\* Also admitted in Georgia  
\*\* Also admitted in North Carolina

November 7, 2016

VIA US MAIL

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

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SC Court of Appeals

Re: *Case Tracking No. 2016-000185*  
*Mark Teseniar v. Fenwick Plantation*

Dear Ms. Kitchings:

Enclosed for filing, please find the original and three (3) copies of each of the following documents:


- (1) Initial Brief of Respondents;
- (2) Respondents' Designation of Matter to be included in the Record on Appeal; and
- (3) Affidavit of Service of Respondents' Initial Brief and Designation of Matter.

After filing the originals, kindly return any file-stamped copies to me in the enclosed self-addressed, stamped envelope provided for your convenience. Should you have any questions or concerns, please do not hesitate to contact me. Your assistance with this matter is appreciated.

With kind regards, I am

Very truly yours,

THURMOND KIRCHNER & TIMBES, PA



Moira Kerrigan  
Paralegal to Michael A. Timbes

cc: All Counsel



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**SC Court of Appeals**

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THURMOND KIRCHNER & TIMBES, P.A.  
ATTORNEYS & COUNSELORS AT LAW

15 MIDDLE ATLANTIC WHARF  
CHARLESTON, SOUTH CAROLINA 29401

TO:

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