

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED  
OCT 11 2016  
SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court Of Common Pleas

The Honorable Clifton Newman, Judicial Circuit Court Judge  
Case No.: 2010-CP-10-2271

Appellate Case No. 2016-000076

Concord and Cumberland Horizontal Property Regime, And Thomas R. Mather, and Betty Y. Segal, And Signature Charleston, LLC and Wade Robinson, And James Kirkpatrick, And Paul A. Brim, And Fred Rappaport and Joyce Rappaport, And Thomas Debnam, as Trustee of the Trust Agreement of Thomas R. Debnam, And Pamela L. Vaughan, And 304 Concord & Cumberland, LLC, And 402 Concord & Cumberland, LLC, And Avant & Associates, LLC and Oakland Holding, LLC, And Mattison J. MacGillivray and Teresa E. MacGillivray And Pamela Queen, And Stuart Reeves, Plaintiffs,

v.

Concord & Cumberland, LLC, Concord & Cumberland Manager, LLC, Estates, Inc., Estates Management Company, Superior Construction Corporation, Weather Shield Mfg., Inc., The Muhler Company, Inc., In the Wind, Inc., J. Davis Architects, PLLC, Wall Craft Construction, Inc., Weatherholtz Masonry, LLC, Philip Gasque d/b/a Philip Gasque Construction, Architectural Stone Company, Southern Mechanical, Inc., Greg Gasque Metal Works, Keating Roofing and Sheet Metal, Inc., Lowcountry Tile Contractors, Inc., Safeco Insurance Company of America, Companion Property and Casualty of America, Companion Property and Casualty Group, Watts Builders, LLC, Elias Duffy d/b/a Masonry Pros, Renaissance Steel, LLC, American Drywall Construction, Inc., Turner Electrical of SC, Inc., and Metro Waterproofing, Inc., Defendants,

Of whom

Superior Construction Corporation is the ..... APPELLANT,  
And  
The Muhler Company, Inc. is the ..... RESPONDENT.

RESPONDENT THE MUHLER COMPANY, INC.'S DESIGNATION OF  
MATTER

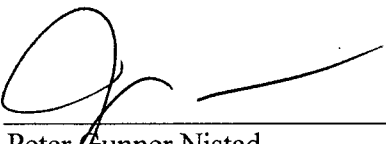
Respondent The Muhler Company, Inc. proposes the following to be included in

the Record on Appeal:

1. Order granting The Muhler Company, Inc.'s Motion for Partial Summary Judgment, filed October 6, 2014
2. Order denying Superior Construction Corporation's Motion to Reconsider, filed January 19, 2016
3. Summons and Complaint, filed March 19, 2010
4. Second Amended Summons and Complaint, filed June 1, 2012
5. Superior Construction Corporation's Answer and Third-Party Complaint, filed May 27, 2010
6. Superior Construction Corporation's Answer and Crossclaims, filed June 19, 2012
7. The Muhler Company, Inc.'s Answer to Third-Party Complaint, filed August 11, 2010
8. The Muhler Company, Inc.'s Answer to Second Amended Complaint and Reply to Superior Construction Corporation's Crossclaims, filed August 22, 2012
9. The Muhler Company, Inc.'s Notice of Motion and Motion for Summary Judgment, filed October 17, 2013
10. The Muhler Company, Inc.'s Amended Notice of Motion and Motion for Partial Summary Judgment, filed July 15, 2014
11. The Muhler Company, Inc.'s Memorandum of Law in Support of its Motion for Partial Summary Judgment, with exhibits A, B, C, D, E, F, G, I-1, I-2, K, L, M, N, filed July 15, 2014
12. Superior Construction Corporation's Motion for Summary Judgment, filed August 27, 2013
13. Superior Construction Corporation's Memorandum of Law in Support of its Motion for Partial Summary Judgment, filed May 16, 2014
14. Hearing Transcript of July 28 and 29, 2014 proceedings, pp. 4, 7-54, 59-61, 81-96, 157-173, 192, 203-210, 226-227, 273-274
15. Hearing Transcript of December 4, 2015 proceedings

Pursuant to Rule 209(c), SCACR, counsel for Respondent The Muhler Company, Inc. certifies that this Designation contains no matter that is irrelevant to this appeal.

October 6, 2016

By:   
Peter Gunner Nistad  
GALLIVAN, WHITE & BOYD, P.A.  
Post Office Box 22768  
Charleston, South Carolina 29143  
Telephone: 843-735-7600  
Facsimile: 843-414-8070

and

Curtis L. Ott  
Janice Holmes  
GALLIVAN, WHITE & BOYD, P.A.  
Post Office Box 7368  
Columbia, South Carolina 29202  
Telephone: 803.779.1833  
Facsimile: 803.779.1767

**ATTORNEYS FOR RESPONDENT  
THE MUHLER COMPANY, INC.**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED  
OCT 11 2016  
SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court Of Common Pleas

The Honorable Clifton Newman, Judicial Circuit Court Judge  
Case No.: 2010-CP-10-2271

Appellate Case No. 2016-000076

Concord and Cumberland Horizontal Property Regime, And Thomas R. Mather, and Betty Y. Segal, And Signature Charleston, LLC and Wade Robinson, And James Kirkpatrick, And Paul A. Brim, And Fred Rappaport and Joyce Rappaport, And Thomas Debnam, as Trustee of the Trust Agreement of Thomas R. Debnam, And Pamela L. Vaughan, And 304 Concord & Cumberland, LLC, And 402 Concord & Cumberland, LLC, And Avant & Associates, LLC and Oakland Holding, LLC, And Mattison J. MacGillivray and Teresa E. MacGillivray And Pamela Queen, And Stuart Reeves, Plaintiffs,

v.

Concord & Cumberland, LLC, Concord & Cumberland Manager, LLC, Estates, Inc., Estates Management Company, Superior Construction Corporation, Weather Shield Mfg., Inc., The Muhler Company, Inc., In the Wind, Inc., J. Davis Architects, PLLC, Wall Craft Construction, Inc., Weatherholtz Masonry, LLC, Philip Gasque d/b/a Philip Gasque Construction, Architectural Stone Company, Southern Mechanical, Inc., Greg Gasque Metal Works, Keating Roofing and Sheet Metal, Inc., Lowcountry Tile Contractors, Inc., Safeco Insurance Company of America, Companion Property and Casualty of America, Companion Property and Casualty Group, Watts Builders, LLC, Elias Duffy d/b/a Masonry Pros, Renaissance Steel, LLC, American Drywall Construction, Inc., Turner Electrical of SC, Inc., and Metro Waterproofing, Inc., Defendants,

Of whom

Superior Construction Corporation is the .....APPELLANT,  
And  
The Muhler Company, Inc. is the.....RESPONDENT.

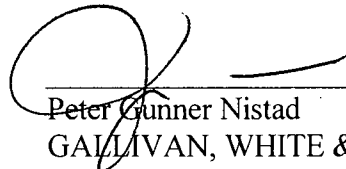
**PROOF OF SERVICE**

I certify that I have served the Initial Brief of Respondent and Designation of

Matter to be included in the Record on Appeal on the Appellant by depositing a copy of it in the United States mail, postage prepaid, on October 6, 2016, addressed to the counsel of record at the following address:

Christopher A. Majure, Esquire  
Murphy & Grantland, PA  
PO Box 6648  
Columbia, South Carolina 29260

October 6, 2016



---

Peter Gunner Nistad  
GALLIVAN, WHITE & BOYD, P.A.  
Post Office Box 22768  
Charleston, South Carolina 29143  
Telephone: 843-735-7600  
Facsimile: 843-414-8070

and

Curtis L. Ott  
Janice Holmes  
GALLIVAN, WHITE & BOYD, P.A.  
Post Office Box 7368  
Columbia, South Carolina 29202  
Telephone: 803.779.1833  
Facsimile: 803.779.1767

**ATTORNEYS FOR RESPONDENT  
THE MUHLER COMPANY, INC.**