

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

NOV 30 2016

SC Court of Appeals

APPEAL FROM BERKLEY COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Appellate Case No. 2016-001825
Trial Court Case No. 2015-CP-08-01213

Christopher Duvall and Natalie Duvall, Plaintiffs,

v.

The Ryland Group, Inc., Defendant.

And

The Ryland Group, Inc., Third-Party Plaintiff,

v.

Land Site Services, Inc., Carolina Consulting Engineers, Inc., Higdon Concrete, LLC, A.C. Construction, Inc., and Stark Truss Company, Inc. a/k/a Stark Truss Company of Summerville, Ltd. a/k/a Stark Truss, Inc. d/b/a Carolina Truss Systems, Inc., Third-Party Defendants,

Of which The Ryland Group, Inc. is the Appellant,

And

Of which Christopher Duvall and Natalie Duvall, Land Site Services, Inc., Carolina Consulting Engineers, Inc., A.C. Construction, Inc., and Stark Truss Company, Inc. a/k/a Stark Truss Company of Summerville, Ltd. a/k/a Stark Truss, Inc. d/b/a Carolina Truss Systems, Inc. are the Respondents.


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

Appellant proposed the following be included in the Record on Appeal:

1. Consent Order of December 4, 2015, Allowing Appellant's Amended Answer;
2. Order of January 21, 2016, Granting Appellant's Motion to Compel;
3. Form 4 Order of June 30, 2016;
4. Order of July 29, 2016;
5. Complaint;
6. Appellant's Answer;
7. Appellant's Amended Answer and Third-Party Complaint;
8. Appellant's Motion to Compel Arbitration;
9. Appellant's Memorandum of Law in Support of its Motion to Compel Arbitration;
10. Affidavit of Michael Boyle, including all Exhibits thereto;
11. Duvalls' Memorandum in Opposition to Appellant's Motion to Compel Arbitration;
12. Stark Truss Company, Inc. a/k/a Stark Truss Company of Summerville, Ltd. a/k/a Stark Truss, Inc. d/b/a Carolina Truss Systems, Inc.'s and Land Site Services, Inc.'s Memorandum of Law in Opposition to Appellant's Motion to Compel Arbitration;
13. A.C. Construction, Inc.'s Letter of July 28, 2016, to Judge Dennis Preserving Its Argument in Opposition to Appellant's Motion to Compel Arbitration;
14. Appellant's Motion to Reconsider, Amend and/or Alter Order Denying Its Motion to Compel Arbitration;
15. Transcript of June 27, 2016 Hearing.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas C. Hildebrand, Jr.", written over a horizontal line.

November 28, 2016

Thomas C. Hildebrand, Jr.
Olesya V. Vaskevich
PARKER POE ADAMS & BERNSTEIN LLP
200 Meeting Street, Suite 301
Charleston, SC 29401
(843) 727-2653
Attorneys for Appellant The Ryland Group, Inc.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKLEY COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Appellate Case No. 2016-001825
Trial Court Case No. 2015-CP-08-01213

RECEIVED
NOV 30 2016
SC Court of Appeals

Christopher Duvall and Natalie Duvall, Plaintiffs,

v.

The Ryland Group, Inc., Defendant.

And

The Ryland Group, Inc., Third-Party Plaintiff,

v.

Land Site Services, Inc., Carolina Consulting Engineers,
Inc., Higdon Concrete, LLC, A.C. Construction, Inc., and
Stark Truss Company, Inc. a/k/a Stark Truss Company of
Summerville, Ltd. a/k/a Stark Truss, Inc. d/b/a Carolina
Truss Systems, Inc., Third-Party Defendants,

Of which The Ryland Group, Inc. is the Appellant,

And

Of which Christopher Duvall and Natalie Duvall, Land Site
Services, Inc., Carolina Consulting Engineers, Inc., A.C.
Construction, Inc., and Stark Truss Company, Inc. a/k/a Stark
Truss Company of Summerville, Ltd. a/k/a Stark Truss, Inc.
d/b/a Carolina Truss Systems, Inc. are the Respondents.

PROOF OF SERVICE

I certify that I have served Appellant's Designation of Matter To Be Included in the Record on Appeal on all Respondents by depositing a copy of it in the United States Mail, postage prepaid, on November 28, 2016, addressed to the following:

James Taylor Anderson, III
KERNODLE COLEMAN
914 Folly Road, Suite 2
P.O. Box 13897 (29422)
Charleston, SC 29412
Attorneys for Respondents Christopher and Natalie Duvall

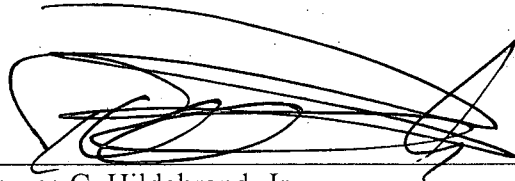
John E. Rogers, II
C. Reed Teague
THE WARD LAW FIRM, P.A.
233 S. Pine Street
P.O. Box 5663 (29304)
Spartanburg, SC 29302
Attorneys for Respondent Land Site Services, Inc.

Kevin W. Mims
Caroline C. McIntosh
LUZURIAGA MIMS, LLP
50 Immigration Street, Suite 200
Charleston, SC 29403
Attorneys for Respondent A.C. Construction, Inc.

Patrick T. Morrissey
CLAWSON AND STAUBES LLC
126 Seven Farms Drive, Suite 200
Charleston, SC 29492
Attorneys for Respondent A.C. Construction, Inc.

Mark S. Barrow
Christy E. Mahon
SWEENEY, WINGATE & BARROW, P.A.
1515 Lady Street (29201)
P.O. Box 12129
Columbia, SC 29211
Attorneys for Respondent Stark Truss Company, Inc. a/k/a Stark Truss Company of Summerville, Ltd. a/k/a Stark Truss, Inc. d/b/a Carolina Truss Systems, Inc.

R. Michael Ethridge
Robert B. Hawk
Matthew T. Hemingway
CARLOCK, COPELAND & STAIR LLP
40 Calhoun Street, Suite 400
Charleston, SC 29401
Attorneys for Respondent Carolina Consulting Engineers, Inc.

A handwritten signature in black ink, appearing to read "Thomas C. Hildebrand, Jr.", written over a horizontal line.

Thomas C. Hildebrand, Jr.
Olesya V. Vaskevich
PARKER POE ADAMS & BERNSTEIN LLP
200 Meeting Street, Suite 301
Charleston, SC 29401
(843) 727-2653
Attorneys for Appellant The Ryland Group, Inc.



Thomas C. Hildebrand, Jr.
Telephone: 843.727.2653
Direct Fax: 843.727.2680
tomhildebrand@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC

November 28, 2016

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

RECEIVED

NOV 30 2016

SC Court of Appeals

Re: Christopher and Natalie Duvall, et al v. The Ryland Group, Inc., et al.
Case No.: 2015-CP-08-01213
Appellate Case No.: 2016-001825

Dear Ms. Kitchings:

Enclosed for filing please find an original and a copy of each of the following for filing:

1. Initial Brief of Appellant; and
2. Appellant's Designation of Matter to be Included in the Record on Appeal.

Please file the originals and return file-stamped copies to me in the enclosed self-addressed stamped envelope.

Thank you for your attention to this matter. Please contact me if you have any questions.

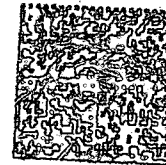
With best regards,

~~Yours very truly,~~


Thomas C. Hildebrand, Jr.

TCHJr/kjg
Enclosures

cc: James Taylor Anderson, III, Esq. (via email and U.S. Mail)
John E. Rogers, II, Esq. (via email and U.S. Mail)
C. Reed Teague, Esq. (via email and U.S. Mail)
Mark S. Barrow, Esquire (via email and U.S. Mail)
Christy E. Mahon, Esquire (via email and U.S. Mail)
Patrick Morrissey, Esq. (via email and U.S. Mail)
Kevin W. Mims, Esq. (via email and U.S. Mail)
Caroline C. McIntosh, Esq. (via email and U.S. Mail)
Robert B. Hawk, Esq. (via email and U.S. Mail)
R. Michael Ethridge, Esq. (via email and U.S. Mail)
Matthew T. Hemingway, Esq. (via email and U.S. Mail)



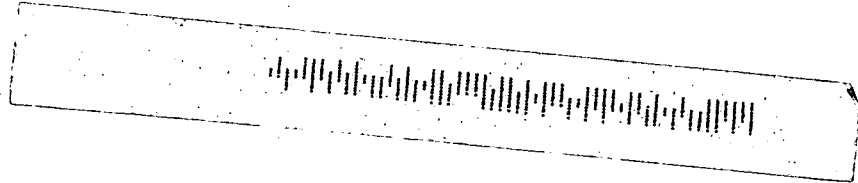
U.S. POSTAGE  FITNEY BOWES

ZIP 29401 \$ 003.46⁰
02 4W
0000343301 NOV. 28. 2016

RECEIVED

NOV 30 2016

SC Court of Appeals



Parker Poe

200 Meeting Street, Suite 301
Charleston, SC 29401
Post Office Box 160
Charleston, SC 29402

To:

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