

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

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

Appellate Case No. 2016-2339
Case No. 2014-CP-08-2424

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SC Court of Appeals

Patricia Damico and Lenna Lucas, Individually and on behalf of all others similarly situated, Joshua and Brettany Beutow, Edward and Sylvia Dengg, Jonathan and Theresa Douglass, Anthony and Stacey Ray, Danny and Ellen Davis Morrow, Czara and Chad England, Bryan and Cynthia Camara, and Matthew Collins,
Respondents,

v.

Lennar Carolinas, LLC, Spring Grove Plantation Development, Inc., Manale Landscaping, LLC, Super Concrete of SC, Inc., Southern Green, Inc., TJB Trucking/Leasing, LLC, Paragon Site Constructors, Inc., Civil Site Environmental and Rick Bryant, Individually,
Defendants,

Of which Spring Grove Plantation Development, Inc., Manale Landscaping, LLC, Super Concrete of SC, Inc., Southern Green, Inc., TJB Trucking/Leasing, LLC, and Civil Site Environmental are Respondents.

And

Lennar Carolinas, LLC, Appellant,

v.

The Earthworks Group, Inc., Volkmar Consulting Services, LLC, Geometrics Consulting, LLC, Land/Site Services, Inc., Myers Landscaping, Inc., A.C. & A. Concrete, Inc., Knight's Concrete Products, Inc., Knight's Redi-Mix, Inc., Coastal Concrete Southeast, LLC, Coastal Concrete Southeast IUI, LLC, Guaranteed Framing, LLC, Ozzy Construction, LLC, Construction Applicators, Charleston, LLC, LA New Enterprises, LLC, Décor Corporation, DVS, Inc., Raul Martinez Masonry, LLC, Alpha Omega Construction Group, Inc., South Carolina Exteriors, LLC, Builders Firstsource-Southeast Group, LLC, and Low Country Renovations and Siding LLP, Third Party Defendants,

Of which Volkmar Consulting Services, LLC, Land/Site Services, Inc., Myers Landscaping, Inc., A.C. & A. Concrete, Inc., Knight's Concrete Products, Inc., Knight's Redi-Mix, Inc., Coastal Concrete Southeast, LLC, Coastal Concrete Southeast II, LLC, Guaranteed Framing, LLC, Ozzy Construct, LLC, Construction Applicators Charleston, LLC, LA New Enterprises, LLC, Décor Corporation, DVS, Inc., Raul Martinez Masonry, LLC, Alpha Omega Construction Group, Inc., South Carolina Exteriors, LLC, Builders Firstsource-Southeast Group, LLC, are also Respondents.

And

Décor Corporation, Fourth Party Plaintiff,

v.

Baranov Flooring, LLC, DJ Construction Services, LLC, Creative Wood Floors, LLC, Geraldo Cunha, Ebenezer Flooring, LLC, Emmanuel Flooring and Siding, LLC, Eusi Flooring and Covering, LLC, Nicolas Flores, Alexander Martinez, Isidru Mejia, Juan Perez, Ernesto M. Perez, N&B Construction, LLC, Jose Dias Rodrigues, Livia Sousa, Jose Betio Pereira, Jose Paz Castro Hernandez, Divinio Aperecido Corgosinho, Richardo Chiche, CEBS Construction, Bayshore Siding and Flooring, Sebastio Luiz de Araujo, and John Does 1 – 4, Fourth-Party Defendants.

**RESPONDENT DVS, INC.'S DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

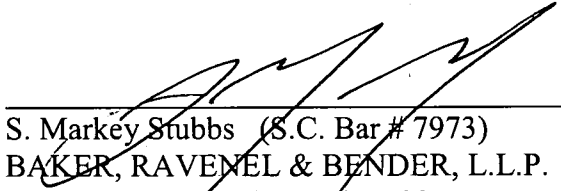
Respondent DVS, Inc. ("DVS") by and through its undersigned counsel, propose the following to be included in the Record on Appeal proposes the following be included in the Record on Appeal:

- (1) Order Denying Lennar's Motion to Alter or Amend, Filed October 26, 2016;
- (2) Order Denying Lennar's Motion to Compel Arbitration, Filed September 21, 2016;
- (3) Plaintiffs' Complaint, Filed December 12, 2014;
- (4) Lennar's Answer, Cross-Claims, and Third-Party Complaint, Filed February 17, 2015;
- (5) Plaintiffs' First Amended Summons and Complaint, Filed November 23, 2015;
- (6) Lennar's Answer to Plaintiffs' First Amended Complaint, Cross-Claims and Third Party Complaint, Filed November 25, 2015;

- (7) Lennar's Motion to Compel Arbitration (without Exhibits), Filed June 1, 2015;
- (8) Lennar's Amended Motion to Compel Arbitration with all Exhibits and Attachments, Filed March 30, 2016;
- (9) Plaintiffs' Memorandum in Opposition to Lennar's Motion to Compel Arbitration, Filed April 7, 2016;
- (10) Lennar's Reply to Plaintiffs' Memorandum in Opposition to Lennar's Amended Motion to Compel Arbitration, Submitted to the Court April 8, 2016;
- (11) Lennar's Motion to Alter or Amend, Filed October 3, 2016;
- (12) Transcript of April 11, 2016 hearing on Lennar's Motion to Compel Arbitration; and.
- (13) DVS, Inc.'s Memorandum In Opposition to Motion to Compel Arbitration Filed May 16, 2016 with exhibits.

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

Respectfully Submitted,



S. Markey Stubbs (S.C. Bar # 7973)
BAKER, RAVENEL & BENDER, L.L.P.
3710 Landmark Drive, Suite 400
Post Office Box 8057
Columbia, South Carolina 29202
Phone: (803) 799-9091; Fax: (803) 779-3423
mstubbs@brblegal.com; File No. 7603.455
Attorneys for Respondent DVS, Inc.

April 27, 2017
Columbia, SC

APPELLANT'S COUNSEL OF RECORD:

James Lynn Werner
Jenna K. McGee
F. Elliotte Quinn IV
Parker, Poe Adams & Bernstein, LLP
Post Office Box 1509
Columbia, SC 20201
(803) 255-8000