

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

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MAY 05 2017

SC Court of Appeals

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

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.

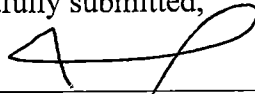
**RESPONDENT SPRING GROVE PLANTATION DEVELOPMENT, INC.'S
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

Respondent Spring Grove Plantation Development, Inc. ("Spring Grove") 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; a
- (13) Spring Grove's Memorandum in Opposition to Lennar's Motion to Compel Arbitration Filed April 11, 2016; and,
- (14) Spring Grove's Motion to Alter or Amend Judgment and Joinder in Rule 59 Motion Filed October 3, 2016.

Respectfully submitted,



R. Trippett Boineau, III
J. Adam Ribock
Heath M. Stewart, III
McAngus, Goudelock & Courie LLC
1320 Main Street, 10th Floor (29201)
Post Office Box 12519, Capitol Station
Columbia, South Carolina 29211-2519
(803) 779-2300
Trippett.boineau@mgclaw.com
Adam.ribock@mgclaw.com
Heath.stewart@mgclaw.com

*Attorneys for Respondent Spring Grove Plantation
Development, Inc.*

May 5, 2017

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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

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PROOF OF SERVICE

I hereby certify that I have this 5th day of May, 2017 served a copy of Respondent Spring Grove Development Plantation, Inc.'s Initial Brief mailing copies of same, postage prepaid, in the United States mail, with sufficient postage affixed as follows:

APPELLANT'S COUNSEL OF RECORD:

Jenna K. McGee, Esquire
F. Elliotte Quinn, IV, Esquire
Parker Poe Adams & Bernstein, LLP
200 Meeting Street, Suite 301
Charleston, South Carolina 29401
jennamcgee@parkerpoe.com
elliotttequinn@parkerpoe.com
Counsel for Appellant Lennar Carolinas, LLC

COUNSEL FOR CO-RESPONDENTS:

John Calvin Hayes, IV, Esquire
Hayes Law Firm, LLC
180 Meeting Street, Suite 330
Charleston, South Carolina 29401
jhayes@hayeslaw.org

--and--

Michael J. Jordan, Esquire
Catherine D. Meehan, Esquire
The Steinberg Law Firm, LLP
Post Office Box 1028
Goose Creek, South Carolina 29445
mjordan@steinberglawfirm.com
cmeehan@steinberglawfirm.com
Counsel for Plaintiffs

David S. Black, Esquire
Howell, Gibson & Hughes, PA
Post Office Box 40
Beaufort, South Carolina 29901
dblack@hgpa.com
Counsel for TJB Trucking/Leasing, LLC

R. Patrick Flynn, Esquire
Michael W. Allen, Jr., Esquire
Post Office Box 70
Charleston, South Carolina 29402
pflynn@popeflynn.com
mallen@popeflynn.com
Counsel for Super Concrete of SC, Inc.

Michael E. Wright, Esquire
177 Meeting Street, Suite 300
Charleston, South Carolina 29401
mew@roblaw.net
Counsel for Super Concrete of SC, Inc.

James Elliott, Jr., Esquire
Samia H. Nettles, Esquire
Richardson Plowden
Post Office Box 21203
Charleston, South Carolina 29413
jelliott@richardsonplowden.com
snettles@richardsonplowden.com
Counsel for Manale Landscaping, LLC

Emily Gifford, Esquire
Richardson Plowden
Post Office Drawer 7788
Columbia, South Carolina 29202
egifford@richardsonplowden.com
*Counsel for Geometrics Construction, LLC,
Land/Site Services, Inc.*

Bachman S. Smith, IV, Esquire
Haynsworth Sinkler Boyd, PA
Post Office Box 340
Charleston, South Carolina 29402
bsmithiv@hsblawfirm.com
Counsel for Southern Green, Inc.

Ronald G. Tate, Jr., Esquire
Robert Batten Farrar, Esquire
Gallivan, White & Boyd, PA
Post Office Box 10589
Greenville, South Carolina 29603
rtate@gwblawfirm.com
bfarrar@gwblawfirm.com
Counsel for Volkmar Consulting Services, LLC

N. Keith Emge, Esquire
Kathy A. Carlsten, Esquire
Carlock Copeland & Stair
40 Calhoun Street, #400
Charleston, South Carolina 29401
kcarlsten@carlockcopeland.com
nemge@carlockcopeland.com
Counsel for Civil Site Environmental

Steven L. Smith, Esquire
Zachary J. Closser, Esquire
Samuel M. Wheeler, Esquire
Smith Closser, PA
Post Office Box 40578
Charleston, South Carolina 29423
ssmith@scnlaw.com
zclosser@scnlaw.com
swheeler@scnlaw.com
*Counsel for Paragon Site Constructors, Inc. and
Knight's Concrete Products, Inc., Knight's Redi-Mix, Inc.
Concrete Products, Inc.*

Stephen L. Brown, Esquire
Catherine H. Chase, Esquire
Young Clement Rivers, LLP
Post Office Box 993
Charleston, South Carolina 29402
sbrown@ycrlaw.com
cchase@ycrlaw.com
--and--

Preston B. Dawkins, Jr., Esquire
Aiken Bridges, PA
Post Office Drawer 1931
Florence, South Carolina 29503
pbd@aikenbridges.com
Counsel for Alpha Omega Construction Group, Inc.

Samia H. Nettles, Esquire
F. Heyward Grimball, Esquire
Richardson Plowden & Robinson, PA
Post Office Box 21203
Charleston, South Carolina 29413
snettlles@richardsonplowden.com
fhgrimbball@richardsonplowden.com
Counsel for Décor Corp.

David C. Cleveland, Esquire
Clawson and Staubes
126 Seven Farms Drive, Suite 200
Charleston, South Carolina 29492
dcleveland@clawsonandstaubes.com
Counsel for Low Country Renovations and Siding, LLP

S. Markey Stubbs, Esquire
Baker Ravenel Bender
Post Office Box 8057
Columbia, South Carolina 29202
mstubbs@brblegal.com
Counsel for DVS, Inc.

Stephen P. Hughes, Esquire
Howell Gibson and Hughes, PA
Post Office Box 40
Beaufort, South Carolina 29901
sphughes@hgpha.com
ayoho@hgpha.com
Counsel for Builders FirstSource-Southeast Group, LLC

John M. Grantland, Esquire
Rogers E. Harrell, III, Esquire
Murphy & Grantland, PA
Post Office Box 6648
Columbia, South Carolina 29260
jgrantland@murphygrantland.com
rharell@murphygrantland.com
Counsel for Isidro Mejia

David S. Cobb, Esquire
Turner Padgett Graham & Laney, PA
Post Office Box 22129
Charleston, South Carolina 29413
dcobb@turnerpadgett.com
Counsel for Construction Applicators Charleston LLC

Jenny C. Honeycutt, Esquire
Best Honeycutt, PA
Post Office Box 13466
Charleston, South Carolina 29422
Counsel for South Carolina Exteriors, LLC

Brent M. Boyd, Esquire
Murphy & Grantland
Post Office Box 6648
Columbia, South Carolina 29260
*Counsel for Coastal Concrete Southeast, LLC and
Coastal Concrete Southeast II, LLC*

Erin D. Dean, Esquire
Tupper, Grimsley & Dean, PA
Post Office Box 2055
Beaufort, South Carolina 29901
*Counsel for Raul Martinez Masonry, LLC and
L.A. New Enterprises, LLC*

Kenneth M. Barfield, Esquire
Diane Clarke, Esquire
Barnwell Whaley
Post Office Drawer H
Charleston, South Carolina 29402
mbarfield@barnwell-whaley.com
sclarke@barnwell-whaley.com
Counsel for The Earthworks Group, Inc.

John E. Rogers, II, Esquire
The Ward Law Firm, P.A.
Post Office Box 5663
Spartanburg, South Carolina 29304
jrogers@wardfirm.com
Counsel for Land/Site Services, Inc.

Alan R. Belcher, Jr., Esquire
Derek M. Newberry, Esquire
Hall Booth Smith
40 Calhoun Street, Suite 550
Charleston, South Carolina 29401
Alan.belcher@hallboothsmith.com
dnewberry@hallboothsmith.com

--and--

Christine C. Varnado, Esquire
Seibels Firm
38 Broad Street, Suite 200
Charleston, South Carolina 29401
cvarnado@seibelsfirm.com
Counsel for Guaranteed Framing, LLC

Shanna Stephens, Esquire
Katherine C. Miars, Esquire
Anderson Reynolds & Stephens, LLC
Post Office Box 87
Charleston, South Carolina 29402
sstephens@arlawsc.com
kmiars@arlawsc.com
Counsel for A.C. & A. Concrete, Inc.

Thomas F. Dougall, Esquire
William Ansel Collins, Jr., Esquire
Dougall Firm
1700 Woodcreek Farms Road, Suite 100
Elgin, South Carolina 29045
tdougall@@dougallfirm.com
wcollins@dougallfirm.com
Counsel for Ozzy Construction, LLC and Baranov Flooring, LLC

Steven W. Ouzts, Esquire
Joshua D. Shaw, Esquire
Turner Padget
Post Office Box 1473
Columbia, South Carolina 29202
souzts@turnerpadget.com
jshaw@turnerpadget.com
Counsel for Cebes Construction

William W. Watkins, Jr., Esquire
Wall Templeton & Haldrup, P.A.
Post Office Box 1200
Charleston, South Carolina 29402
Trey.watkins@walltempleton.com
Counsel for Itatiaia Construction, LLC, Lima Construction, LLC and N&B Construction



Connie A. Wells
Legal Assistant to R. Trippett Boineau, III,
J. Adam Ribock and Heath M. Stewart, III

May 5, 2017