

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

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

Court of Appeals Case No. 2016-002339  
Lower Court Case No. 2014-CP-08-02424

**RECEIVED**

MAY 08 2017

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, Inc. 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, Inc. 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 II, 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 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, are ..... 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, Ricardo Chiche, CEBS Construction, Bayshore Siding and Flooring, Sebastio Luiz de Araujo, and John Does 1-4..... Fourth-Party Defendants.

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

Respondent, Guaranteed Framing, LLC, proposes the following to be included in the Record on Appeal:

1. Order Denying Lennar's Motion to Alter or Amend and All Joining Parties' Motions to Reconsider, Filed October 26, 2016;
2. Order Denying Lennar's Motion to Compel Arbitration, Filed September 21, 2016;
3. Plaintiffs' Complaint, Filed December 12, 2104;
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;
13. Affidavit of Helen Dray, Dated April 8, 2016 and Filed April 11, 2016;
14. Third-Party Defendant Guaranteed Framing, LLC's Memorandum of Law in Response to Lennar's Amended Motion to Compel Arbitration, Filed April 11, 2016;
15. Third-Party Defendant Guaranteed Framing, LLC's Supplemental Memorandum of Law in Response to Lennar's Amended Motion to Compel Arbitration, Filed April 28, 2016; and
16. Guaranteed Framing, LLC's Motion to Alter or Amend, Filed October 3, 2016.

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

Respectfully submitted,



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-and-

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*Attorneys for Respondent, Guaranteed Framing, LLC*

This 5<sup>th</sup> day of May, 2017

Charleston, South Carolina

THE STATE OF SOUTH CAROLINA  
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**PROOF OF SERVICE**  
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I certify that I have served the Initial Brief of Respondent Guaranteed Framing, LLC and Respondent Guaranteed Framing, LLC's Designation of Matter to be Included in the Record on Appeal upon Appellant by mailing a copy of the same via US Mail on May 5, 2017, addressed to James Lynn Werner, Esq., Jenna K. McGee, Esq., and F. Elliotte Quinn IV, Esq., at Parker, Poe, Adams & Bernstein LLP, PO Box 1509 Columbia, SC 29201.

Respectfully submitted,



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-and-

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*Attorneys for Respondent, Guaranteed Framing, LLC*

This 5<sup>th</sup> day of May, 2017  
Charleston, South Carolina

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*Erin Magera*  
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May 5, 2017

**VIA US MAIL AND FACSIMILE**

The Honorable Jenny Abbot Kitchings  
S.C. Court of Appeals Clerk of Court  
PO Box 11629  
Columbia, SC 29211  
(803) 734-1839

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SC Court of Appeals

RE: *Patricia Damico, et al. v. Lennar Carolinas, LLC, et al.*  
Case No.: 2014-CP-08-02424  
Appellate Case No.: 2016-002339  
Our File No.: 6398-1

Dear Ms. Kitchings:

Enclosed please find the original and one copy of the Initial Brief of Respondent Guaranteed Framing, LLC and Respondent Guaranteed Framing, LLC's Designation of Matter to be Included in the Record on Appeal regarding the above referenced matter. Please file the originals, and return the date-stamped copies in the enclosed self addressed stamped envelope.

Should you have any questions or require further information, please do not hesitate to contact me.

With kind personal regards I remain

Sincerely yours,

**SEIBELS LAW FIRM, P.A.**

*Erin Magera*  
Erin Magera  
Paralegal

/elm  
Enclosures

cc: Jenna K. McGee, F. Elliotte Quinn, and James L. Werner (via US Mail and email) (w/ encl)  
All Counsel of Record (via email) (w/ encl)

