

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Thomas A. Russo, Circuit Court Judge

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Appellate Case No. 2016-001632  
Case No. 2011-CP-10-5774

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RECEIVED

JUN 21 2017

S.C. SUPREME COURT

Pavilion Development Corp. & Larry McNair, ..... Appellants,

v.

Nexsen Pruet, LLC, ..... Respondent,

v.

DC & Sons, LLC, ..... Counterclaim Defendant.

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**DESIGNATION OF MATTER**

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Respondent proposes the following be included in the Record on Appeal:

1. Order from the Charleston County Circuit Court denying Motion to Amend or Substitute Parties filed July 13, 2016;
2. Opinion No. 2015-MO-047 from the South Carolina Supreme Court resolving Appellate Case No. 2013-002796 (hereafter the "First Appeal") filed August 12, 2015;
3. Order from the Charleston County Circuit Court granting summary judgment dated Oct. 9, 2013;
4. Order from the South Carolina Supreme Court denying Appellants' Motion to for an Order Allowing a Reasonable Time to Amend their Complaint After Remand dated September 3, 2015;
5. Order from the South Carolina Supreme Court granting Appellants' Motion to Certify dated March 12, 2015;
6. Order from the South Carolina Supreme Court granting Respondent's Motion for Costs dated October 21, 2015;

7. Complaint filed August 16, 2011;
8. Answer & Counterclaim filed October 21, 2011 (without exhibits);
9. Respondent's Motion for Summary Judgment with exhibits filed January 14, 2013;
10. Final Brief of Appellant in the First Appeal;
11. Final Brief of Respondent in the First Appeal;
12. Final Reply Brief of Appellant in the First Appeal;
13. Appellants' Motion to Certify and Consolidate for Oral Argument filed February 25, 2015;
14. Respondent's Return to Motion to Certify and Consolidate for Oral Argument filed February 27, 2015;
15. Appellants' Motion for an Order Allowing a Reasonable Time to Amend their Complaint After Remand dated August 28, 2015;
16. Appellants' Motion to Amend/Supplement Complaint and/or Substitute pursuant to Rules 15(a), 15(c), 15(d), and 17(a), SCRPC filed September 18, 2015 (with exhibits);
17. Remittitur from the Clerk of Court of the South Carolina Supreme Court remitting the case to the Charleston County Circuit Court filed on September 9, 2015;
18. Respondent's Memorandum in Opposition to Appellants' Motion to Amend or Substitute Parties filed May 31, 2016 (without exhibits);
19. Transcript of the March 30, 2016 hearing before the Honorable J.C. Nicholson pp. 1, 23-24;
20. Transcript of the June 2, 2016 hearing before the Honorable Thomas A. Russo, pp. 1-38;
21. Transcript of the January 18, 2011 hearing before the Honorable Roger Young, pp. 16-18.
22. Letter from Counsel for Respondent to the Charleston County Clerk of Court dated September 29, 2015;
23. Handwritten Settlement Agreement Between Appellants and DC & Sons, LLC dated January 18, 2011;
24. Confession of Judgment filed January 18, 2011.

I certify that this designation does not contain any matter that is irrelevant to this appeal.

*< Signature to Follow >*

SOWELL GRAY ROBINSON STEPP & LAFFITTE, LLC



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**Attorneys for Respondent**

Columbia, South Carolina  
June 21, 2017

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PROOF OF SERVICE

I, the undersigned, of the law offices of Sowell Gray Robinson Stepp & Laffitte, LLC, attorneys for Respondent, certify that I have served all counsel of record in this action with a copy of the Initial Brief and Designation of Matter by electronic mail, on June 21, 2017, to:

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June 21, 2017