

**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

APPELLATE CASE NO. 2016-002339
CIVIL ACTION NO. 2014-CP-08-2424

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JUN 12 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,

versus

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 the

RESPONDENTS.

And

Lennar Carolinas, LLC,

APPELLANT,

versus

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 also the

RESPONDENTS.

And

Décor Corporation,

FOURTH PARTY PLAINTIFF,

versus

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

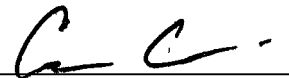
Décor Corporation ("Decor"), Respondent in the above referenced matter, proposes the following be included in the Record on Appeal:

1. Complaint, filed October 30, 2014;
2. Lennar's Answer, Cross-Claim, and Third-Party Complaint, filed February 17, 2015;
3. Lennar's Motion to Compel, filed June 1, 2015;

4. Amended Complaint, filed November 23, 2015;
5. Lennar's Answer to Amended Complaint, Cross-Claims, and Third-Party Complaint, filed November 25, 2015;
6. Décor's Answer and Fourth-Party Complaint, filed February 1, 2016;
7. Amended Motion to Compel Arbitration, filed on March 30, 2016 with attached Affidavit of Robert Mauch and Ex. 39 to Mauch Aff. (Contractor Base Agreement between Lennar and Décor);
8. Transcript of Hearing on Motion to Compel held April 11, 2016;
9. Order denying Motion to Compel Arbitration, issued September 19, 2016;
10. Lennar's Motion to Reconsider, filed October 3, 2016; and
11. Form 4 Order denying Motion to Reconsider, filed October 26, 2016.

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

Respectfully submitted,



Carmen V. Ganjehsani
RICHARDSON, PLOWDEN & ROBINSON, PA
1900 Barnwell Street (29201)
Post Office Drawer 7788
Columbia, South Carolina 29202
(803) 771-4400

and

Samia H. Nettles
RICHARDSON, PLOWDEN & ROBINSON, PA
Post Office Box 21203
Charleston, South Carolina 29413
(843) 805-6550
**ATTORNEYS FOR RESPONDENT
DÉCOR CORPORATION**

June 9, 2017.

CERTIFICATE OF SERVICE

I, the undersigned, attorney for Respondent Décor Corporation, do hereby certify that I have this date served the foregoing Designation of Matter to be Included in the Record on Appeal, dated June 9, 2017, by causing the same to be deposited in a United States Postal Service mailbox, postage prepaid, addressed to counsel of record as indicated below:

James Lynn Werner, Esquire
Jenna K. McGee, Esquire
F. Elliotté Quinn IV, Esquire
Parker Poe Adams & Bernstein, LLP
200 Meeting Street, Suite 301
Charleston, SC 29401
jimwerner@parkerpoe.com
jennamcgee@parkerpoe.com
elliottequinn@parkerpoe.com
Attorneys for Appellant

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Carmen V. Ganjehsani
RICHARDSON, PLOWDEN & ROBINSON, PA
1900 Barnwell Street (29201)
Post Office Drawer 7788
Columbia, South Carolina 29202
(803) 771-4400
**ATTORNEYS FOR RESPONDENT
DÉCOR CORPORATION**

Dated: June 9, 2017.

June 9, 2017

The Honorable Jenny Abbott Kitchings
Clerk of Court, S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: *Patricia Damico, et al. v. Lennar Carolinas, LLC*
Appellate Case No. 2016-002339
Our File No.: 5563-0030

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Dear Ms. Kitchings:

Enclosed for filing are the original Initial Brief of Respondent Décor Corporation and the Respondent's Designation of Matter to be Included in the Record on Appeal in the above referenced matter, along with our original Certificates of Service.

By copy of this letter, we are serving a copy of the Initial Brief and the Designations on counsel for the Appellant with a courtesy copy being e-mailed to all counsel for Respondents.

Should you have any questions regarding this matter, please do not hesitate to call.

Sincerely,



Carmen V. Ganjehsani

CVG

Enclosures

cc: James Lynn Werner, Esquire
Jenna K. McGee, Esquire
F. Elliotte Quinn IV, Esquire
Counsel for Co-Respondents (via e-mail)



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RICHARDSON
RICHARDSON FLOWDEN ROBINSON, P.A.
PLOWDEN
ATTORNEYS AT LAW

COLUMBIA P.O. Drawer 7788 - Columbia, SC 29202

The Honorable Jenny Abbott Kitchings
Clerk of Court, S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211