

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

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

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

RECEIVED

JUL 06 2017

SC Court of Appeals

Patricia Damico, and Lerma 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, Geometries 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, Decor 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, Decor 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, Isidni 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**

Respondents Knight's Concrete Products, Inc. and Knight's Redi-Mix, Inc. propose 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. Lennar's Motion to Alter or Amend, Filed October 3, 2016;
10. Transcript of April 11, 2016 hearing on Lennar's Motion to Compel Arbitration;
11. Business Partner Agreement between Knights Redi-Mix, Inc. and Lennar.

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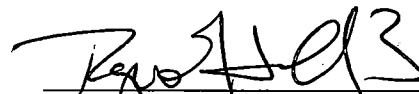
And

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CERTIFICATE OF COUNSEL

In accordance with Rule 210(c), SCACR, the undersigned certifies that the Designation to be included in the Record on Appeal contains no matter which is irrelevant to the Appeal.



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Attorneys for Respondent

July 6, 2017

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PROOF OF SERVICE

I certify that I have served the Initial Brief of Respondent, Designation of Matter to be included in the Record on Appeal and Certificate of Counsel on the Respondent by depositing a copy of it in the United States mail, postage prepaid, on June 22, 2016, addressed to the counsel of record at the following address:

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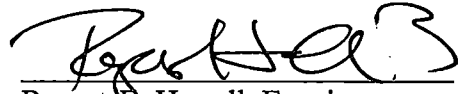
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July 6, 2017



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July 6, 2017

Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Patricia Damico and Lenna Lucas, et al. v. Coastal Concrete Southeast II, et al.
Appellate Case No.: 2016-2339
Civil Action No.: 2014-CP-08-2424
M&G File No.: 1800-0146

Dear Ms. Kitchings:

Enclosed please find enclosed the original and one (1) copy of the following documents: Initial Brief of Appellant, Designation of Matter to be included in the Record of Appeal and Certificate of Counsel in this matter.

Also enclosed herewith is one (1) copy of the Proof of Service of such Initial Brief of Appellant, Designation of Matter to be included in the Record of Appeal and Certificate of Counsel on counsel of record.

Please file the original and return the filed-stamped copies to us via our courier.

Thank you for your assistance.

Very truly yours,



Rogers E. Harrell, III, Esquire

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/ppr

Enclosures

cc: Counsel of Record (w/Enclosures)



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