

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

Case No. 2014-CP-08-2424

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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, Johnathan 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 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,

**ALPHA OMEGA CONSTRUCTION GROUP, INC.'S DESIGNATION OF
MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

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***Attorneys for the Respondent Alpha Omega
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TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

Respondent Alpha Omega Construction Group, Inc. proposes the following to be included in the Record on Appeal:

Orders, Judgments, Decrees, or Decisions

1. Cir. Ct. Ord., filed Sept. 21, 2016;
2. Form 4 Ord., filed Oct. 26, 2016;

Pleadings

3. Lennar's Ans. & 3rd Party Compl., filed Nov. 15, 2015;
4. 1st Am. Compl., filed Nov. 23, 2015;
5. Alpha Omega Ans., filed Jan. 13, 2016;

Transcripts

Hearing

6. Hrg. Trans. pp. 5-53;

Other materials or documents

Motions

7. Lennar's Mot. to Compel, filed June 1, 2015;
8. Lennar's Am. Mot. to Compel, filed Mar. 30, 2016;
9. Lennar's Mot. Alter/Amend, filed Sept. 29, 2016;
10. Alpha Omega Mot. to Alter/Amend, filed Oct. 3, 2016;

Exhibits

11. Lennar's Am. Mot. to Compel, Ex. 31 of Aff. of Robert Mauch;
12. Lennar's Am. Mot. to Compel, Ex. 61 of Aff. of Robert Mauch;

Other Documents

13. Aff. of Chris Stafford, filed Apr. 8, 2016.

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

Respectfully submitted,

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Charleston, South Carolina

Dated: 7/5/2017

**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

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, Johnathan 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

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And

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Appellant,

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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,

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I, Mary S. Willis, of Young Clement Rivers, LLP, counsel for Alpha Omega Construction Group, Inc., do hereby certify that I have served **Respondent Alpha Omega Construction, Inc.'s Initial Brief and Designation of Matter to be Included in the Record on Appeal** on all other parties by depositing a copy of the same in the United States Mail, postage prepaid, on July 5, 2017, addressed as follows to their counsel:

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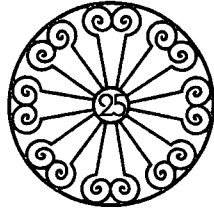
Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By: Mary Willis
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Charleston, South Carolina

Dated: 7/5/2017



YCR LAW

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July 5, 2017

Jenny Abbott Kitchings, Clerk of Court
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P.O. Box 11629
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Re: Patricia Damico, et al. v. Lennar Carolinas, LLC, et al. v. Lennar Carolinas, LLC,
et al. v. Alpha Omega Construction Group, Inc., et al.
Case No.: 2014-CP-08-2424
YCR File: 10857-20160042

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter, please find the original and one copy of Respondent Alpha Omega Construction, Inc.'s Initial Brief, Designation of Matter to be Included in the Record on Appeal, and Proof of Service regarding the same.

Kindly return one clocked copy in the pre-stamped envelope provided. With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP

Mary S. Willis

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SC Court of Appeals

MSW/amj
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