

**THE STATE OF SOUTH CAROLINA**  
In The Court of Appeals

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**APPEAL FROM CHARLESTON COUNTY**  
Court of Common Pleas  
The Honorable Jean H. Toal, Circuit Court Judge

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**Case No. 2016-CP-10-1833**  
**Appellate Case No. 2017-001270**

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Andrew and Kimberly McIntire..... Appellants,

v.

Seaqest Development Company, Inc.; Red Bay Constructors Corp.; Benzenberg Custom Cabinets, Inc.; Jonathan Marshall Construction; Coastal Window & Door Center of Charleston, LLC; Carolina Window & Millwork-Omni Glass Industries, LLC; Southcoast Exteriors, Inc.; Michael Casteen d/b/a Casteen Custom Cabinets; Quality Cedar Products, Inc. of Michigan d/b/a/ Michigan Prestain Co.; Coastal Plumbing & Gas, LLC; Foam Insulation Co. Inc.; Jerry Comer d/b/a/ Jerry's Tile & Marble, LLC; Lowcountry Fireplaces, Inc.; Carolina Pest Solutions, Inc.; New South Construction Supply, LLC;  
of which Seaquest Development Company, Inc. is.....Respondent

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

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Appellants assert the following documents should be included in the Record on Appeal:

1. Complaint in civil action number 2016-CP-10-1833
2. Affidavit of Service of defendant Southcoast Exteriors, Inc.
3. Plaintiffs' Motion to Stay & to Compel Arbitration in civil action number 2016-CP-10-1833
4. Plaintiffs' Motion for Protective Order as to Requests for Admissions of Seaquest Development Company in civil action number 2016-CP-10-1833
5. Notice of Motion and Motion to Dismiss or Stay Proceedings by Seaquest Development Company, Inc. in civil action number 2016-CP-10-1833
6. Transcript of October 13, 2016 Hearing in civil action number 2016-CP-10-1833
7. January 4, 2017 email from Amelia Waring to counsel of record in civil action number 2016-CP-10-1833 regarding Justice Toal's ruling
8. January 13, 2017 email from Jason Daigle, Esq. to Amelia Waring attaching proposed order
9. January 17, 2017 email from Michelle Endemann, Esq. to Justice Toal and counsel of record in civil action number 2016-CP-10-1833 requesting opportunity to object to proposed order
10. January 17, 2017 email from Amelia Waring granting Ms. Endemann's request to object to proposed order
11. January 20, 2017 email from Angela Gross to Justice Toal and counsel of record in civil action number 2016-CP-10-1833 attaching the McIntire's objections to proposed order
12. Order granting Seaquest Development Company, Inc.'s motion to stay or dismiss and denying the McIntire's motion to compel arbitration
13. Contract - AIA Document A101-1997, dated August 22, 2007, signed by Andrew McIntire and Craig Himes
14. Contract Addendum – AIA Document A201-1997

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

Respectfully Submitted by:

ANDREW K. EPTING, JR., LLC

By  \_\_\_\_\_  
Andrew K. Epting, Jr.

Jaan G. Rannik

46A State Street, Charleston, SC 29401

Phone: 843-377-1871; Fax: 843-377-1310

*Attorneys for Appellant*

Dated this 31st day of July, 2017  
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas for the Ninth Circuit

Jean Hoefler Toal, Circuit Court Judge

Appellate Case No.: 2017-001270  
Case No.: 2016-CP-10-1833

Andrew and Kimberly McIntire,..... APPELLANTS,

v.

Sequest Development Company, Inc.; Red Bay Constructors Corp.; Benzenberg Custom Cabinets, Inc.; Jonathan Marshall Construction; Coastal Window & Door Center of Charleston, LLC; Carolina Window & Millwork, LLC n/k/a Carolina Window & Millwork-Omni Glass Industries, LLC; Southcoast Exteriors, Inc.; Michael Casteen d/b/a Casteen Custom Cabinets; Quality Cedar Products, Inc. of Michigan d/b/a Michigan Prestain Co.; Coastal Plumbing & Gas, LLC; Foam Insulation Co. Inc.; Jerry Comer d/b/a Jerry's Tile & Marble, LLC; Lowcountry Fireplaces, Inc; Carolina Pest Solutions, Inc.; New South Construction Supply, LLC, Defendants, of which Sequest Development Company, Inc. is the RESPONDENT.

PROOF OF SERVICE

I certify that I have served the Appellants' Initial Brief and Designation of Matter by depositing a copy in the United States Mail, Postage prepaid, on July 31, 2017, addressed to Respondent's attorneys of record as follows:

Edward D. Buckley, Jr., Esquire  
Jason Daigle, Esquire  
YCR Law  
25 Calhoun Street  
P.O. Box 993  
Charleston, SC 29402

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SC Court of Appeals

ANDREW K. EPTING, JR., LLC

By  \_\_\_\_\_

Andrew K. Epting, Jr.

Jaan G. Rannik

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*Attorneys For Appellants*

# ANDREW K. EPTING, JR., LLC

ATTORNEYS AT LAW

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JAAN G. RANNIK · JGR@EPTING-LAW.COM

July 31, 2017

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
1220 Senate Street  
Columbia, South Carolina 29201

RE: *Andrew McIntire and Kimberly McIntire v. Seaquest Development Company, et al.*

Case No. 2016-CP-10-1833

Appellate Case No.: 2017-001270

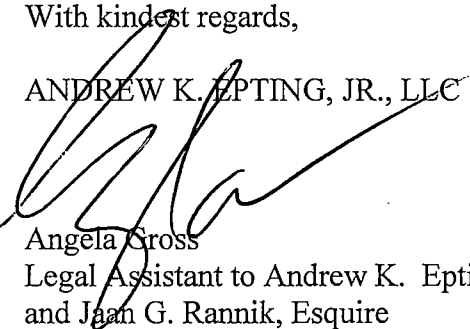
Dear Ms. Kitchings:

Enclosed for filing please find the original and one copy of Appellants' Initial Brief, Designation of Matter to be Included in the Record on Appeal, and Proof of Service in the above-referenced matter.

I would greatly appreciate your filing the originals and returning a file-stamped copy to me in the self-addressed, stamped envelope provided.

With kindest regards,

ANDREW K. EPTING, JR., LLC

  
Angela Gross  
Legal Assistant to Andrew K. Epting, Jr., Esquire  
and Jaan G. Rannik, Esquire

/agg

Enclosures – as stated

cc: Edward D. Buckley, Jr., Esquire  
Jason A. Daigle, Esquire

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Honorable Jenny Abbott Kitchings  
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