

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BARNWELL COUNTY
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

Case No. 2017-000688

RECEIVED
OCT 11 2017
SC Court of Appeals

Marth M. Fountain and Curtis Fountain.....Plaintiffs,

v.

Fred's, Inc. and Wildevco, LLC.....Respondents,

v.

Tippins-Polk Construction, Inc. and Rhoad's Excavating Services, LLC.....Third-Party
Defendants,

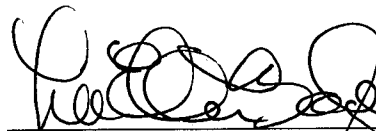
Of whom Tippins-Polk Construction, Inc. is the Appellant.

**RESPONDENT WILDEVCO, LLC'S DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 209, SCACR, Respondent Wildevco, LLC proposes the following be
included in the Record on Appeal:

Item	Dated/Admitted
1. Transcript of Record (Trial):	June 6, 2016
2. Transcript of Record (Trial):	June 7, 2016
3. Order of Judgment	August 1, 2016 (filed)

- | | |
|---|---|
| 4. Order Denying Third-Party Defendant Tippins-Polk's Motion to Make Additional Findings and Motion to Reconsider and/or Amend | February 13, 2017 (filed) |
| 5. Third-Party Defendant Tippins-Polk's Motion to Make Additional Findings and Motion to Reconsider and/or Amend | August 15, 2016 (filed) |
| 6. Wildevco's Memorandum in Response to Tippins-Polk's Motion to Make Additional Findings and Motion to Reconsider and/or Amend | September 12, 2016 (filed) |
| 7. Wildevco's Third Amended Third-Party Complaint | February 22, 2016 |
| 8. Photograph of Fred's Entrance | June 6, 2016 |
| 9. Site Plans | June 6, 2016 |
| 10. Construction Agreement | June 6, 2016 |
| 11. Lease Agreement | June 6, 2016 |
| 12. Architect Agreement | June 6, 2016 |
| 13. Certificate of Occupancy | June 6, 2016 |
| 14. Architectural Drawings/Plans | June 7, 2016 |
| 15. Affidavit of Regina Lewis and Wildevco Legal Invoices | June 7, 2016 |
| 16. Excerpts of Transcript of Videotaped Deposition of E. Mitchell Griffith: pages 19, 20, 24 | May 31, 2016
Item from Court's collective
Trial Exhibit 1 |



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October 11, 2017

Attorneys for Respondent Wildevco, LLC

THE STATE OF SOUTH CAROLINA
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APPEAL FROM BARNWELL COUNTY
Court of Common Pleas
Doyet A. Early, III, Circuit Court Judge

Case No. 2017-00068

Martha M. Fountain and Curtis Fountain.....Plaintiffs,

v.

Fred's, Inc., and Wildevco, LLC.....Respondents,

v.

Tippins-Polk Construction, Inc., and Rhoad's Excavating Services, LLC.....Third-Party
Defendants.

Of Whom Tippins-Polk Construction, Inc. is the Appellant.

PROOF OF SERVICE

I do hereby certify, on this 11th day of October, 2017, that a copy of the foregoing **Respondent Wildevco, LLC's Initial Brief, Designation of Matter to be Included in the Record on Appeal, Motion to Strike Matter and Exclude Matter from Record on Appeal, and Proof of Service** were served by depositing copies of the same in the United States Mail, first-class, postage prepaid, addressed to Morgan S. Templeton, Esquire, PO Box 1200, Charleston, South Carolina 29402 and Matthew C. LaFave, Esquire PO Box 1149, Columbia, South Carolina 29202.



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October 11, 2017

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

Re: *Martha M. Fountain and Curtis Fountain v. Fred's Inc., and Wildevco, LLC v. Tippins-Polk Construction, Inc, and Rhoad's Excavating Services, LLC*
Case No : 2017-00068

Dear Clerk Kitchings:

Enclosed for filing please find the original and two (2) copies of **Respondent Wildevco, LLC's Initial Brief, Designation of Matter to be Included in the Record on Appeal, Motion to Strike Matter and Exclude Matter from Record on Appeal, and Proof of Service**. We would appreciate you filing the original with the Court and returning the clocked copy for our records to the courier.

By copy of this letter, I herewith serve all counsel of record with same. Should you have any questions or need additional information please do not hesitate to contact our office.

Sincerely,

Kelli F. Hall
Paralegal

/kfs

Enclosures

cc: Morgan S. Templeton, Esq.
Matthew C. LaFave, Esq.