

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

OCT 15 2015

Appeal from the Court of Common Pleas
For Charleston County
Civil Action No.: 2009-CP-10-6746
Appellate Case No.: 2012-213584

S.C. SUPREME COURT

Long Grove at Seaside Farms, LLC; The Beach Company; and Gulfstream
Construction Company, Inc., Respondents,

v.

Long Grove Property Owners' Association, Inc.; Vista Realty Partners, LLC; and
Long Grove Vista, LLC;

Of Whom Long Grove Property Owners' Association, Inc. is Appellant.

Long Grove Property Owners' Association, Inc., Third-Party Plaintiffs,

v.

James, Harwick & Partners, Inc., n/k/a JHP Architecture/Urban Design, P.C.; Sam
Mayo, d/b/a SCM Construction, Inc.; and Essex Engineering Corporation, Third-Party
Defendants,

Of Whom James, Harwick & Partners, Inc., n/k/a JHP Architecture/Urban Design, P.C. is
Respondent.

SUPPLEMENTAL RECORD ON APPEAL

George E. Mullen, Esquire
MULLEN WYLIE, LLC
P.O. Box 5969
Hilton Head, SC 29938

and

Francis E. Grimball, Esquire
MULLEN WYLIE, LLC
171 Church Street, Suite 370
Charleston, SC 29401
**Attorneys for Appellant Long Grove
Property Owners' Association, Inc.**

David J. Parrish
Stephen P. Groves
NEXSEN PRUET, LLC
PO Box 486
Charleston, SC 29402
Phone 843.720.1771
Fax 843.414.8214
Email dparrish@nexsenpruet.com
**Attorneys for Respondents Long Grove at Seaside Farms, LLC, The Beach Company, and
Gulfstream Construction Company, Inc.**

James Lynn Werner, Esquire
PARKER POE ADAMS & BERNSTEIN, LLP
1201 Main Street, Suite 1450
Columbia, SC 29201

and

Laura Locklair, Esquire
PARKER POE ADAMS & BERNSTEIN, LLP
200 Meeting Street, Suite 301
Charleston, SC 29401
**Attorneys for Respondents James, Harwick & Partners, Inc. n/k/a JHP
Architecture/Urban Design, P.C.**

TABLE OF CONTENTS

Page

Deposition of Kent A. Johnson (cover page and pages 97-98)S001

COPY

STATE OF SOUTH CAROLINA)
 :
COUNTY OF CHARLESTON)

THE BEACH COMPANY; LONG)
GROVE at SEASIDE FARMS,)
LLC; GULF STREAM)
CONSTRUCTION COMPANY,)
INC.,)

Plaintiffs,)

-vs-)

LONG GROVE PROPERTY)
OWNERS' ASSOCIATION,)
INC., VISTA REALTY)
PARTNERS, LLC; LONG GROVE)
VISTA, LLC,)

Defendants.)

LONG GROVE PROPERTY)
OWNERS' ASSOCIATION,)
INC.,)

Third-Party Plaintiff,)

-vs-)

JAMES, HARWICK &)
PARTNERS, INC., k/n/a JHP)
ARCHITECTURE/URBAN)
DESIGN, P.C.; SAM MAYO)
d/b/a SCM CONSTRUCTION,)
INC.; ESSEX ENGINEERING)
CORPORATION,)

Third-Party Defendants.)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
Case No.: 09-CP-10-6746

THE 30(b)6 DEPOSITION OF:

Mr. Kent A. Johnson

Date: Thursday, June 17, 2010

Time: 9:50 a.m.

Location: Mullen Wylie, LLC
171 Church Street
Suite 370
Charleston, SC 29401

Reporter: Kimberli S. Hogle
Court Reporter &
Notary Public
(843) 849-3007

S001

KIMBERLI S. HOGLE
Independent Court Reporter
Tele: (843) 849-3007 Fax: (843) 849-7127

1 extension cords and so forth, that they would be available
2 to assist the third-party inspector in doing that work.

3 MS. JOWERS: That's it for me. Thanks.

4 EXAMINATION BY MR. LESEMANN:

5 Q. Mr. Johnson, I will ask you probably what will
6 be just one question. And for reference, I'll use Exhibit
7 16, the sales contract relating to the Long Grove Apartment
8 Community. And under section 15, we've discussed this
9 through prior questions, but it's the section that's
10 entitled "Assumption of Liability and Release of Claims."

11 MR. PARRISH: What page is it on?

12 MR. LESEMANN: It's Beach Company 321.

13 MR. PARRISH: I'll show him this copy.

14 MR. LESEMANN: Okay.

15 MR. PARRISH: What page of the contract?

16 MR. LESEMANN: 10.

17 BY MR. LESEMANN:

18 Q. And if you see the paragraph, again in section
19 marked 15, and then subsection B.

20 A. Okay.

21 Q. And as it goes through that section it talks
22 about affiliates. And "affiliates" was defined as
23 "Affiliates, agents, officers, directors, employees,
24 insurers, representatives, successors, assigns, and all
25 other companies, partnerships, entities, or persons involved

S002

KIMBERLI S. HOGLE

Independent Court Reporter

Tele: (843) 849-3007 Fax: (843) 849-7127

1 in the design, development and/or construction of the
2 apartment buildings and apartments therein and all other
3 improvements prior to the closing date of this sale
4 transaction." And so my one question to The Beach Company
5 would be would The Beach Company have intended and The Beach
6 Company consider the original architect to be a party that
7 would have been involved in the design, development and
8 construction of the apartment buildings?

9 MR. GRIMBALL: Object to the form.

10 A. Yes.

11 MR. LESEMANN: That's my only question.

12 FURTHER EXAMINATION BY MR. GRIMBALL:

13 Q. How many employees did The Beach Company employ
14 approximately?

15 A. At which level?

16 Q. The overall. Ignore Gulf Stream. Set Gulf
17 Stream aside. That's a wholly-owned subsidiary; correct?

18 A. It is, as is City Marina, which is a
19 wholly-owned subsidiary that has its own staff and group of
20 people.

21 Q. I'm really talking about The Beach --

22 A. The Beach Company downtown entity as well as all
23 the various remote staff that we have at apartment complexes
24 and so forth?

25 Q. Uh-huh.

S003