

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
G. Thomas Cooper Jr., Circuit Court Judge  
Case No. 2013-CP-40-7729  
Appellate Case Tracking Number: 2017-002325

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The Gates at Williams-Brice Condominium  
Association and Katharine Swinson,  
individually, and on behalf of all others  
similarly situated,

Appellants,

v.

Quality Built, LLC and Coast To Coast  
Engineering Services, Inc. D/B/A Criterium  
Engineers,

Respondents.

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SC Court of Appeals

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**APPELLANTS' DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL AND CERTIFICATION**

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Justin O'Toole Lucey, Esquire  
SC Bar No.: 15438  
Stephanie D. Drawdy, Esquire  
SC Bar No.: 70205  
*JUSTIN O'TOOLE LUCEY, P.A.*  
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*Attorneys for the Appellants*

Pursuant to Rule 209, SCACR, Appellants designate the following material for inclusion in the record on appeal:

**ORDERS**

1. Order of the Honorable G. Thomas Cooper, Jr., Granting Respondent's Motion for Declaratory Relief, or in the Alternative, Motion for Summary Judgment filed April 10, 2017
2. Order of the Honorable G. Thomas Cooper, Jr., Denying Appellants' Motion to Reconsider filed October 18, 2017;

**PLEADINGS**

3. Complaint filed December 27, 2013;
4. Respondents' Answer to Plaintiffs' Complaint filed November 24, 2015;
5. Amended Complaint filed May 18, 2016;
6. Respondents' Answer to Plaintiffs' Amended Complaint filed June 15, 2016;

**MOTIONS**

7. Respondents' Notice of Motion and Motion for Declaratory Relief, or in the Alternative, Motion for Summary Judgment dated January 17, 2017;
8. Respondents' Memorandum in Support of its Motion for Declaratory Relief, or in the Alternative, Motion for Summary Judgment filed 02/21/2017;
9. Appellants' Memo in Opp. to QB Motion for Declaratory Relief, or in the Alternative, Motion for Summary Judgment filed March 8, 2017;
10. Appellants' Motion to Reconsider filed April 20, 2017;
11. Respondent's Memorandum in Opposition to Plaintiffs' Motion for Reconsideration filed June 8, 2017;

**TRANSCRIPTS;**

12. Transcript of Hearing of March 13, 2017;
13. Transcript of Hearing of July 17, 2017;
14. August 5, 2015 Deposition on Elizabeth Michaelis (*The Gates at Williams-Brice Condominium Assoc., et al v. DDC Construction, Inc., et al*; Case No.: 2012-CP-40-8512);


**MISCELLANEOUS**

15. Notice of Appeal filed November 9, 2017;
16. Declaration Of Stanley R. Luhr In Support Of Motion For Order Confirming That The Automatic Stay Does Not Bar Prosecution Of Claims Against Non-Debtor Third Parties; United States Bankruptcy Court (SDC); Case 09-12113-CL, Docket 278;
17. May 8, 2017 Letter to the Honorable G. Thomas Cooper, Jr. regarding Supplemental Authority.

Undersigned counsel certified, pursuant to Rule 209(c), SCACR, that this designation contains no matter which is irrelevant to the appeal.

JUSTIN O'TOOLE LUCEY, PA

By:

  
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*Attorneys for the Appellants*

Charleston, South Carolina  
March 5, 2018

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*Attorneys for Coast to Coast Engineering  
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**PROOF OF SERVICE**

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JUSTIN O'TOOLE LUCEY, PA  
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Attorneys for the Appellants

March 5, 2018  
Charleston, South Carolina

I, Justin O'Toole Lucey, Esquire, hereby certify that on March 5, 2018 I served a copy of *Appellants' Designation of Matter to Be Included in the Record on Appeal and Certification* on the following counsel, via the United States Mail, postage pre-paid, and addressed as follows:

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*Attorneys for Coast To Coast Engineering Services, Inc. d/b/a Criterium Engineers*

Signed: \_\_\_\_\_

  
Justin O'Toole Lucey, Esquire

Mount Pleasant, SC  
March 5, 2018

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Attorney at Law

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SC Court of Appeals

**BY REGULAR MAIL**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court Of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

RE: *The Gates at Williams-Brice Condo Assoc., et al v. Quality Built, LLC*  
Appellate Case No.: 2017-002325

Dear Ms. Kitchings:

Enclosed please find the original and one copy of the following documents in the above-referenced matter which are being submitted on behalf of Appellants, The Gates at Williams-Brice Condominium Association and Katharine Swinson, individually, and on behalf of all others similarly situated:

1. Initial Brief of Appellants;
2. Appellants' Designation of Matter to be Included in the Record on Appeal and Certification; and
3. Appellants' Proof of Service.

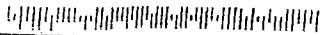
I would greatly appreciate you filing these pleadings with the Court of Appeals and returning a date stamped copy of each to my attention in the enclosed self-addressed, stamped envelope.

If you need anything else or I otherwise may be of any assistance to you or to the Court of Appeals regarding this matter, please feel free to contact me at your convenience.

Best regards,



Laura W. Knight



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**JUSTIN O'TOOLE LUCEY, PA**

ATTORNEYS AT LAW

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