

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Clifton Newman, Circuit Court Judge

Trial Court Case No. 2014CP2607634
Appellate Case No. 2017-02146

RECEIVED

MAR 19 2018

S.C. SUPREME COURT

Ex Parte:

Hartford Fire Insurance Company, Hartford Casualty Insurance Company, Hartford Underwriters Insurance Company, Clarendon National Insurance Company as successor in interest to Clarendon America Insurance Company, National Fire & Marine Insurance Company, Bitco General Insurance Corporation, Selective Insurance Company of South Carolina, Nationwide Mutual Insurance Company f/k/a Harleysville Insurance Company, Canopus US Insurance, Inc., American Empire Surplus Lines Insurance Company,

In Re:

The Harbour Cove Condominium Association, Plaintiff,

v.

Centex Homes, a Nevada General Partnership, Centex Construction Company, Inc., Centex Construction, LLC, Centex-Rooney Construction Co., Inc., Centex-Rodgers, Inc., Balfour Beatty Construction, LLC f/k/a Centex Construction, LLC, Right Way Construction, Inc., Right Way Group, Inc., RWG, Inc., RWGR, Inc., South Carolina State Plastering, LLC, Georgia State Plastering, LLC, Florida State Plastering, LLC, Coastal Drywall, Inc., d/b/a Coastal Plaster Systems, Lundy Dowell d/b/a Coastal Plaster Systems, Martin Masonry, Inc., Roof Doctor of the Carolinas, Inc., Richard Blackwell d/b/a Synthetic Designs, Ferst Plastering, Inc., a/k/a Ferst Exteriors, Inc., Coastal Tinting, Inc., BR Brick & Masonry, Inc., Model Home Interiors, Inc., Gary Hunnell d/b/a Grand Strand Roofing, Steven Bosch d/b/a The Roofer Man, Frank Harris d/b/a Frank Harris Construction, Carl Williamson d/b/a Williamson Construction & Waterproofing, Stock Building Supply, LLC, f/k/a Stock Building Supply, Inc., and Morningstar Consultants, Inc., Defendants,

And

Beach Villas at Ocean Keys Property Owners Association, Inc., Plaintiff,

v.

Ocean Keys Development, LLC, Key Construction Co., Inc., Russell P. Baltzer, First Exteriors, LLC, CareFree Exteriors Inc., Coastal Stucco, Inc., Richard H. Construction, LLC a/k/a Ricardo Hernandez d/b/a Richard Framing Con., Inc., Builders FirstSource-Southeast

Group, LLC, Steel Homes International, Inc., Renaissance Steel Installation, LLC n/k/a Renaissance Steel, LLC, Benchmark Steel Service, LLC and Dietrich Building Systems n/k/a Clark Western Dietrich Building Systems, LLC, Defendants,

And

Ocean Keyes Development, LLC and Keye Construction Co., Inc., Third-Party Plaintiffs,

v.

Renaissance Steel Installation, LLC f/k/a Renaissance Steel, LLC n/k/a Innovative Steel Technologies, Benchmark Steel Erectors, and Total Construction, LLC, Third-Party Defendants, Of whom The Harbour Cove Condominium Association, Beach Villas at Ocean Keyes Property Owners Association, Inc., Ocean Keyes Development, LLC, Keye Construction Co., Inc., and Russell P. Baltzer are the Respondents.

**DESIGNATION OF MATTER
TO BE INCLUDED IN RECORD ON APPEAL**

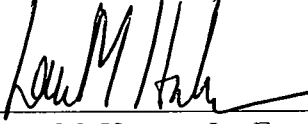
Appellant BITCO General Insurance Corporation proposes the following be included in the Record on Appeal:

1. Plaintiff's Third Amended Complaint Filed November 10, 2016
2. BITCO Motion To Intervene Filed August 2, 2017
3. BITCO Memorandum In Support of Motion To Intervene Filed September 21, 2017
4. Transcript of Record of Motion hearing dated September 28, 2017
5. Order Denying Motion Filed October 13, 2017
6. BITCO Notice of Appeal Mailed October 13, 2017, stamped filed October 27, 2017

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

March 19, 2018

HUNTER & FOSTER, P.A.



Lawrence M. Hunter, Jr., Esq.
S.C. Bar No.: 011808
PO Box 10309
Greenville, South Carolina 29603

Attorney for Appellant BITCO General Insurance Corporation.

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Clifton Newman, Circuit Court Judge

Trial Court Case No. 2014CP2607634
Appellate Case No. 2017-02146

RECEIVED

MAR 19 2018

S.C. SUPREME COURT

Ex Parte:

Hartford Fire Insurance Company, Hartford Casualty Insurance Company, Hartford Underwriters Insurance Company, Clarendon National Insurance Company as successor in interest to Clarendon America Insurance Company, National Fire & Marine Insurance Company, Bitco General Insurance Corporation, Selective Insurance Company of South Carolina, Nationwide Mutual Insurance Company f/k/a Harleysville Insurance Company, Canopus US Insurance, Inc., American Empire Surplus Lines Insurance Company,

In Re:

The Harbour Cove Condominium Association, Plaintiff,

v.

Centex Homes, a Nevada General Partnership, Centex Construction Company, Inc., Centex Construction, LLC, Centex-Rooney Construction Co., Inc., Centex-Rodgers, Inc., Balfour Beatty Construction, LLC f/k/a Centex Construction, LLC, Right Way Construction, Inc., Right Way Group, Inc., RWG, Inc., RWGR, Inc., South Carolina State Plastering, LLC, Georgia State Plastering, LLC, Florida State Plastering, LLC, Coastal Drywall, Inc., d/b/a Coastal Plaster Systems, Lundy Dowell d/b/a Coastal Plaster Systems, Martin Masonry, Inc., Roof Doctor of the Carolinas, Inc., Richard Blackwell d/b/a Synthetic Designs, Ferst Plastering, Inc., a/k/a Ferst Exteriors, Inc., Coastal Tinting, Inc., BR Brick & Masonry, Inc., Model Home Interiors, Inc., Gary Hunnell d/b/a Grand Strand Roofing, Steven Bosch d/b/a The Roofer Man, Frank Harris d/b/a Frank Harris Construction, Carl Williamson d/b/a Williamson Construction & Waterproofing, Stock Building Supply, LLC, f/k/a Stock Building Supply, Inc., and Morningstar Consultants, Inc., Defendants,

And

Beach Villas at Ocean Keyes Property Owners Association, Inc., Plaintiff,

v.

Ocean Keys Development, LLC, Key Construction Co., Inc., Russell P. Baltzer, First Exteriors, LLC, CareFree Exteriors Inc., Coastal Stucco, Inc., Richard H. Construction, LLC a/k/a Ricardo Hernandez d/b/a Richard Framing Con., Inc., Builders FirstSource-Southeast Group, LLC, Steel Homes International, Inc., Renaissance Steel Installation, LLC n/k/a Renaissance Steel, LLC, Benchmark Steel Service, LLC and Dietrich Building Systems n/k/a Clark Western Dietrich Building Systems, LLC, Defendants,

And

Ocean Keys Development, LLC and Key Construction Co., Inc., Third-Party Plaintiffs,

v.

Renaissance Steel Installation, LLC f/k/a Renaissance Steel, LLC n/k/a Innovative Steel Technologies, Benchmark Steel Erectors, and Total Construction, LLC, Third-Party Defendants,

Of whom The Harbour Cove Condominium Association, Beach Villas at Ocean Keys Property Owners Association, Inc., Ocean Keys Development, LLC, Key Construction Co., Inc., and Russell P. Baltzer are the Respondents.

PROOF OF SERVICE

I hereby certify that I served the Initial Brief of Appellant BITCO General Insurance Corporation and Designation of Matter to be Included in the Record on Appeal by depositing a copy of same in the U.S. Mail, postage prepaid, on March 19, 2018, addressed to the counsel of record as follows:

cc: Peter H. Dworjany, Esquire
Collins & Lacy, P.C.
PO Box 12487
Columbia, SC 29211
Attorney for Appellant Canopus US Insurance, Inc.

Clay McCollough
Ross A. Appel
McCullough Kahn, LLC
359 King Street
Suite 200
Charleston, SC 29401
Attorneys for Appellant American Empire Surplus Lines Insurance Company

Robert C. Calamari, Esquire
Nelson Mullins Riley & Scarborough, LLP
3751 Robert M Grissom Parkway, Suite 300 (29577-3165)
Post Office Box 3939
Myrtle Beach, SC 29578
Attorney for Appellants Selective Insurance Company of South Carolina and
Nationwide Mutual Insurance Company f/k/a Harleystown Insurance Company

John L. McCants, Esquire
Rogers, Lewis, Jackson, Mann & Quinn, LLC
Post Office Box 11803
Columbia, SC 29211
Attorney for Appellant National Fire & Marine Insurance Company

Neil S. Haldrup, Esquire
Thomas B. Boger, Esquire
Wall Templeton & Haldrup, P.A.
145 King Street, Suite 300
Post Office Box 1200
Charleston, SC 29401
Attorneys for Appellant Clarendon National Insurance Company as successor in
interest to Clarendon America Insurance Company

Mark S. Barrow, Esquire
Everett A. Kendall, II, Esquire
Christy E. Mahon, Esquire
Sweeny, Wingate & Barrow, P.A.
1515 Lady Street
Post Office Box 12129
Columbia, South Carolina 29211
Attorneys for Appellants Hartford Fire Insurance Company, Hartford Casualty
Insurance Company, and Hartford Underwriters Insurance Company

Phillip W. Segui, Jr.
Amanda Blundy
Segui Law Firm
864 Lowcountry Blvd. #A
Mt. Pleasant, SC 29464
Attorneys for Respondent The Harbour Cove Condominium Association

John T. Chakeris
Chakeris Law Firm
231 Calhoun Street
Charleston SC 29403
Attorney for Respondent The Harbour Cove Condominium Association

Shaun W. Cranford
Cranford Law
P.O. Box 50684
Columbia, SC 29250
Attorney for Respondent The Harbour Cove Condominium Association

Robert I. Wylie, IV, Esquire
Mullen Wylie, LLC
Post Office Box 1980
Myrtle Beach, SC 29578
Attorney for Respondent Beach Villas at Ocean Keyes Property Owners
Association, Inc.

James E. Lady, Esquire
Mullen Wylie, LLC
171 Church Street, Suite 370
Charleston, SC 29401
Attorney for Respondent Beach Villas at Ocean Keyes Property Owners
Association, Inc.

A. Preston Brittain, Esquire
Brittain Law Firm, P.A.
4614 Oleander Drive
Myrtle Beach, SC 29577
Attorney for Respondent Beach Villas at Ocean Keyes Property Owners
Association, Inc.

Robert T. Lyles, Esquire
Joseph K. Cunningham, Esquire
Lyles & Lyles, LLC
Post Office Box 773
Charleston, SC 29402
Attorneys for Respondent Russell P. Baltzer

David Miller
Holly M. Lusk
Bellamy, Rutenberg, Copeland, Epps,
Gravely & Bowers, P.A.
P.O. Box 357
Myrtle Beach, SC 29578
Attorneys for Respondents Russell P. Baltzer, Ocean Keyes Development, LLC,
and Keye Construction Co., Inc.

Dominic A. Starr, Esquire
J. Christopher Clark, Esquire
McAngus Goudelock & Courie, LLC

Post Office Box 1349
Myrtle Beach, SC 29578
Attorneys for Respondents Ocean Keys Development, LLC, and
Keye Construction Co., Inc.

Patrick J. McDonald, Esquire
N. Keith Emge, Jr., Esquire
Resnick & Louis, P.C.
234 Seven Farms Drive, Suite 128
Charleston, SC 29492
Attorneys for Respondent Ocean Keys Development, LLC

Jeffrey A. Ross
Phillip P. Cristaldi
Ed Anglin
Jeff Ross Law LLC
1100 Queensborough Boulevard, Suite 201
Mt. Pleasant, SC 29464
Attorney for Martin Masonry, Inc.

J. David Banner, Esquire
Aiken Bridges Elliott Tyler & Saleeby, PA
Post Office Box 1931
Florence, SC 29503
Attorney for Roof Doctor of the Carolinas, Inc.

Jonathan J. Anderson
Curt Martin
Anderson Reynolds & Stephens, LLC
P O Box 87
Charleston, SC 29402
Attorneys for Coastal Plaster Systems, Inc., a/k/a Coastal Plastering Systems, Inc.,
a/k/a Coastal Plaster, Inc., incorrectly identified as Coastal Drywall d/b/a Coastal
Plaster Systems, and Lundy Dowell d/b/a Coastal Plaster Systems

Carrie A. Fox
Aiken Bridges Elliott Tyler & Saleeby, PA
181 E. Evans Street, Suite 409
P.O. Drawer 1931
Florence, SC 29503
Attorney for Morningstar Consultants, Inc.

James H. Elliott, Jr., Esquire
Samia H. Nettles, Esquire
F. Heyward Grimball, Esquire
Richardson Plowden & Robinson, PA

40 Calhoun Street, Suite 220
Charleston SC 29401
Attorneys for First Exteriors, LLC

J. Austin Thomas
Grooms & Thomas, LLC
4420 Oleander Drive, Suite 104
Myrtle Beach, SC 29577
Attorney for Mike Phillips

G. Michael Smith, Esquire
Thompson & Henry, P.A.
Post Office Box 1740
Conway, SC 29578
Attorney for Carefree Exteriors, Inc.

Jeffrey A. Ross
Ed Anglin
Jeff Ross Law LLC
1100 Queensborough Boulevard, Suite 201
Mt. Pleasant, SC 29464
Attorneys for Coastal Stucco

Kevin M. O'Brien, Esquire
Phelps Dunbar LLP
GlenLake One
4140 ParkLake Ave., Suite 100
Raleigh, NC 27612
Attorney for Richard H. Construction, LLC a/k/a Ricardo Hernandez d/b/a
Richard Framing Construction

Thomas C. Hildebrand, Jr.
F. Elliotte Quinn, IV, Esquire
Parker Poe Adams & Bernstein, LLP
200 Meeting Street, Suite 301
Charleston SC 29401
Attorneys for Centex Homes, a Nevada General Partnership; Centex Construction
Company, Inc.; Centex Construction, LLC; Centex-Rooney Construction, Co.,
Inc.; Centex-Rodgers, Inc.; Balfour Beatty Construction, LLC, f/k/a Centex
Construction, LLC

Barbara J. Wagner
Barnwell Whaley Patterson & Helms, LLC
288 Meeting Street, Suite 200
Charleston, SC 29401
Attorney for BR Brick & Masonry, Inc.

Shanna M. Stephens
W. Coleman Lawrimore
Anderson Reynolds & Stephens, LLC
P O Box 87
Charleston, SC 29402
Attorneys for Carolina Drywall & Interiors a/k/a Carolina Drywall Contractors,
Inc.

J. Kenneth Carter, Jr.
Turner Padgett Graham & Laney, PA
1901 Main Street, 17th Floor (29201)
P.O. Box 1473
Columbia, SC 29202
Attorney for Tri-City Insulation and Building Products of Myrtle Beach, Inc.

Brian E. Wolfe
Clay A. Campbell, Esquire
Baucom Claytor Benton Morgan & Wood
200 Providence Road, Suite 106
Charlotte, NC 28207
Attorney for Roof Doctor of the Carolinas, Inc.

Preston Dawkins, Jr., Esquire
Aiken Bridges Elliott Tyler & Saleeby, PA
181 E. Evans Street, Suite 409
P.O. Drawer 1931
Florence, SC 29503
Attorney for Roof Doctor of the Carolinas, Inc.

E. Glenn Elliott, Jr.
Aiken Bridges Elliott Tyler & Saleeby, PA
181 E. Evans Street, Suite 409
P.O. Drawer 1931
Florence, SC 29503
Attorney for Gary Hunnell d/b/a Grand Strand Roofing

Theodore Parker, III
Parker Nelson & Associates
2460 Professional Court, Suite 200
Las Vegas, NV 89128
Attorney for Stock Building Supply, LLC

Jacqueline Dixon Phillips
Carlton Bowers
Parker Nelson & Associates

211 King Street, Suite 107
Charleston, SC 29401
Attorneys for Stock Building Supply, LLC

H. Mark Hamlet
Jessica Humphries, Esquire
Hamlet & Associates, PLLC
5215 Junction Park Circle, Suite 202
Wilmington, NC 28412
Attorneys for Vance Johnson Plumbing Co., Inc.

G. Troy Thames
Wilson Jones Carter & Baxley, PA
421 Wando Park Boulevard, Suite 100
Mt. Pleasant, SC 29464
Attorney for Vance Johnson Plumbing Co., Inc.

Michael D. Freeman
Griffith Sadler Sharp, PA
600 Monsoon Street
P.O. Box 570
Beaufort, SC 29901
Attorney for American Residential Services, LLC d/b/a American Residential
Services of South Carolina, Inc., and ITP, Inc.

G. Michael Smith
Thompson & Henry, PA
1300 Second Avenue, 3rd Floor (29526)
Post Office Box 1740
Conway, SC 29528
Attorney for Dunn Plumbing

O. Carlisle Edwards, Jr.
McAngus Goudelock & Courie, LLC
P O Box 650007
Mt. Pleasant SC 29465
Attorney for Cohen's Drywall Company, Inc.

Michael Barfield
D. Summers Clarke, II
Barnwell Whaley Patterson & Helms, LLC
288 Meeting Street (29401)
Post Office Drawer H
Charleston, SC 29402
Attorneys for CEMS Engineering, Inc.

Christina Bisset
McAngus Goudelock & Courie, LLC
P O Box 1349
Myrtle Beach, SC 29578
Attorney for Sunland Fire Protection, Inc.

Emily R. Gifford
Richardson Plowden & Robinson, PA
P O Drawer 7788
Columbia, SC 29202
Attorney for Martin Architectural Group, PC

David S. Black
Howell Gibson & Hughes, PA
P O Box 40
Beaufort, SC 29901
Attorney for Builders FirstSource-Atlantic Group, LLC

William E. Lawson
Turner Padgett Graham & Laney PA
P O Box 2116
Myrtle Beach, SC 29578
Attorney for Air Mechanical, Inc.

Tracie Brisson
Wright, Worley, Pope, Ekster & Moss, PLLC
228 North Front St., Suite 101-B
Wilmington, NC 28401
Attorney for Coastal Drywall, Inc., d/b/a Coastal Plaster Systems and Lundy
Dowell d/b/a Coastal Plaster Systems

John E. Rogers, II
Ginger Goforth
Ward Law Firm
P O Box 5663
Spartanburg, SC 29304
Attorneys for Ansur America Insurance Co and JS Elite Flooring

James L. Werner, Esquire
Katon E. Dawson, Jr., Esquire
Parker Poe Adams & Bernstein, LLP
Post Office Box 1509
Columbia, SC 29201
Attorneys for Dietrich Building Systems

Allen DuPre
Lyles & Lyles, LLC
Post Office Box 773
Charleston, SC 29402
Attorney for Ferst Plastering, Inc.

R. Trippett Boineau, III, Esquire
Heath McAlvin Stewart, Esquire
McAngus, Goudelock & Courie, LLC
1320 Main Street, 10th Floor (29201)
Post Office Box 12519
Columbia, South Carolina 29211-2519
Attorneys for Coastal Tinting, Inc. and BCI, INC.

Edward R. Cole, Esquire
David R. Sligh, Esquire
Turner, Padgett, Graham & Laney, P.A.
Founders Centre
2411 North Oak Street, Suite 301
Myrtle Beach, SC 29578
Attorneys for Model Homes Interiors

Sarah Wetmore
Nick C. Stewart
Carlock, Copeland & Stair LLP
40 Calhoun Street
Suite 400
Charleston, South Carolina 29401
Attorneys for Steven Bosch d/b/a The Rooferman

Sarah Wetmore
Madison B. Suttie
Carlock, Copeland & Stair LLP
40 Calhoun Street
Suite 400
Charleston, South Carolina 29401
Attorneys for Weather Protection Systems, Inc.

Paul E. Sperry
Carlock, Copeland & Stair LLP
40 Calhoun Street
Suite 400
Charleston, South Carolina 29401
Attorney for AO Hardee

John M. Leiter
Law Offices of John M. Leiter PA
1203 48th Ave. N., Suite 109
Myrtle Beach, SC 29577
Attorney for Crescent Architects, LLC

Michael Leech
Clawson and Staubes, LLC
126 Seven Farms Drive, Suite 200
Charleston SC 29492-8144
Attorney for Taylor Made Builders, Inc.

Myra V. Whitener
Parker Nelson & Associates, CHTD
211 King Street, Suite 202
Charleston, SC 29401
Attorney for Vereen Concrete Co., Inc.

Brian P. Crotty
Nelson Mullins
1320 Main Street, 17th Floor
Columbia, SC 29201
Attorney for Liberty Mutual Fire Insurance Co

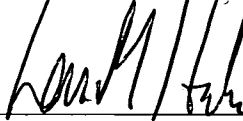
Robert M. Kennedy, Jr., Esquire
Phelps Dunbar LLP
GlenLake One
4140 ParkLake Ave., Suite 100
Raleigh, NC 27612
Attorney for Catalina London, Ltd.

Robert B. Hawk
Ethridge Law Group, LLC
P.O. Box 20969
Charleston, SC 29413

John B. O'Neal, IV
Bill O'Neil
Jean M. Jennings
Hood Law Firm, LLC
172 Meeting Street
Charleston, SC 29401
Attorney for Com Tech

March 19, 2018

HUNTER & FOSTER, P.A.



Lawrence M. Hunter, Jr., Esq.

S.C. Bar No.: 011808

PO Box 10309

Greenville, South Carolina 29603

Attorney for Appellant BITCO General
Insurance Corporation.