

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable G. Thomas Cooper, Jr., Circuit Court Judge

Lower Court Case No. 2013-CP-40-7729
Court of Appeals Case No. 2017-002325

RECEIVED

JUN 04 2018

SC Court of Appeals

THE GATES AT WILLIAMS-BRICE CONDOMINIUM
ASSOCIATION and KATHARINE SWINSON, Individually,
and on behalf of all others similarly situated #296848,

Appellants,

v.

QUALITY BUILT, LLC and COAST TO COAST
ENGINEERING SERVICES, INC. d/b/a CRITERIUM
ENGINEERS,

Defendants,

Of Whom, QUALITY BUILT, LLC,

Respondent.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

The Respondent, Quality Built, LLC, proposes the following to be included in the Record
on Appeal:

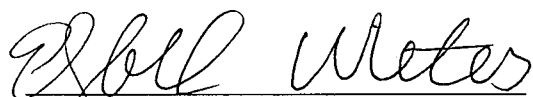
1. Notice of Appeal (Filed 11/09/2017);
2. Appellants' Third Amended Complaint – Gates I (Filed 08/07/2014);
3. Appellants' Amended Complaint – Gates II (Filed 05/18/2016);
4. Respondent's Answer to Appellants' Amended Complaint (Filed 06/15/2016);
5. Criterium's Notice of Removal to U.S. District Court (Filed 06/17/2016);

6. Appellants' Motion to Remand (Filed 07/15/2016);
7. Order Granting Motion to Remand (Entered 09/07/2016);
8. Criterium's Motion for Summary Judgment (Filed 12/20/2016);
9. Respondent's Notice of Motion and Motion for Declaratory Relief or in the Alternative, Motion for Summary Judgment (Filed 01/17/2017);
10. Respondent's Memorandum in Support of Its Motion for Declaratory Relief or in the Alternative, Motion for Summary Judgment (Filed 02/21/2017);
11. Respondent's Motion for Summary Judgment (Filed 03/06/2017);
12. Order Dismissing Respondent's Motion for Summary Judgment (Filed 04/07/ 2017);
13. Order Granting Respondent's Motion for Declaratory Relief or in the Alternative, Motion for Summary Judgment (Entered 04/07/2017);
14. Order Granting Criterium's Motion for Summary Judgment (Entered 04/07/2017);
15. Appellants' Motion for Reconsideration (Filed 04/20/2017);
16. Respondent's Memorandum in Opposition to Appellants' Motion for Reconsideration (Filed 06/08/2017);
17. Order Denying Appellants' Motion for Reconsideration (Entered 10/17/2017);
18. U.S. Bankruptcy Court for the Southern District of California ("Bankruptcy Court"), Case No.: 09-12113-CL7, Order (I) Authorizing the Sale of Substantially All of the Debtor's Assets Free and Clear of All Liens, Claims, Interests and Encumbrances, (II) Authorizing the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases in Connection Therewith and Related Procedures and (III) Granting Related Relief (Entered 03/11/2010);
19. Bankruptcy Court - Amended and Restated Asset Purchase Agreement by and among Qualitybuilt.com and Quality Built, LLC (Filed 01/29/2010);
20. State of California Secretary of State Seal and Qualitybuilt.com Articles of Incorporation (Dated 07/12/1999);
21. State of Delaware Secretary of State seal and Quality Built, LLC's Certificate of Formation (Dated 07/24/2009);

22. Bankruptcy Court - Motion for Order Approving Sale of Property of the Estate Free and Clear of All Liens, Claims, and Encumbrances, Subject to Overbid; and Memorandum of Points and Authorities in Support Thereof (Filed 01/29/2010);
23. Bankruptcy Court – Qualitybuilt.com Chapter 11 Bankruptcy Petition (Filed 08/14/2009);
24. Correspondence from Nigel S. Austin, Esq., of Austin Law, New York, New York dated January 28, 2014;
25. Bankruptcy Court – Compendium of Exhibits in Support of Motion for Order Approving Sale of Property of the Estate Free and Clear of All Liens, Claims and Encumbrances, Subject to Overbid inclusive of Asset Purchase Agreement and Schedules to Asset Purchase Agreement (Filed 01/29/2010);
26. Bankruptcy Court - Affidavit of Gary Elzweig (Filed 02/19/ 2010);
27. Bankruptcy Court - Affidavit of Elizabeth Michaelis (Filed 02/18/2010);
28. Bankruptcy Court - Reply Declaration . . . to U.S. Trustee's Response to Debtor's [Qualitybuilt.com] Motion for Order Approving Sale Of Property of the Estate Free and Clear of All Liens, Claims and Encumbrances, Subject to Overbid (Filed 02/18/2010);
29. The Respondent designates all pleadings and motions of record in this matter filed with the Richland County Court of Common Pleas and Court of Appeals.

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

(Signature appears on succeeding page)



Alan R. Belcher, Esquire, Bar No. 71686
Elizabeth F. Wieters, Esquire, Bar No. 78064
111 Coleman Boulevard
Suite 301
Mount Pleasant, South Carolina 29464
Telephone: (843) 720-3460
abelcher@hallboothsmith.com
ewieters@hallboothsmith.com
Attorney for Respondent Quality Built, LLC

Dated: June 1, 2018

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable G. Thomas Cooper, Jr., Circuit Court Judge

Lower Court Case No. 2013-CP-40-7729
Court of Appeals Case No. 2017-002325

RECEIVED
JUN 04 2018
SC Court of Appeals

THE GATES AT WILLIAMS-BRICE CONDOMINIUM
ASSOCIATION and KATHARINE SWINSON, Individually,
and on behalf of all others similarly situated #296848,

Appellants,

v.

QUALITY BUILT, LLC and COAST TO COAST
ENGINEERING SERVICES, INC. d/b/a CRITERIUM
ENGINEERS,

Defendants,

Of Whom, QUALITY BUILT, LLC,

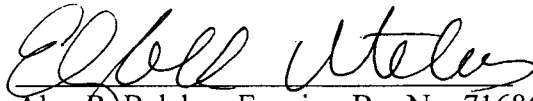
Respondent.

PROOF OF SERVICE

I certify that I have served Respondent's Designation of Matter to be Included in the Record On Appeal upon the attorneys of record by way of U.S. Mail, stamped First Class delivery, on June 1, 2018, addressed as follows:

Justin O'Toole Lucey, Esquire
Stephanie D. Drawdy, Esquire
Justin O'Toole Lucey, P.A.
415 Mill Street
Mount Pleasant, South Carolina 29464
Attorneys for Appellants

Kent Stair, Esquire
Robin Graham, Esquire
Carlock Copeland
40 Calhoun Street, Suite 400
Charleston, South Carolina 29401
*Attorneys for Coast to Coast Engineering Services, Inc.
d/b/a Criterium Engineers*



Alan R. Belcher, Esquire, Bar No. 71686
Elizabeth F. Wieters, Esquire, Bar No. 78064
111 Coleman Boulevard
Suite 301
Mount Pleasant, South Carolina 29464
Telephone: (843) 720-3460
abelcher@hallboothsmith.com
ewieters@hallboothsmith.com
Attorney for Respondent Quality Built, LLC

Dated: June 1, 2018

Elizabeth F. Wieters | 111 Coleman Boulevard, Suite 301
P: (843) 720-3463 | Mount Pleasant, SC 29464
E: ewieters@hallboothsmith.com | W: www.hallboothsmith.com
P: (843) 720-3460 F: 843-720-3458

June 1, 2018

VIA FEDERAL EXPRESS PRIORITY OVERNIGHT

South Carolina Court of Appeals
Clerk of Court Office
ATTN: JESSICA SALEN
1220 Senate Street
Columbia, South Carolina 29201

RECEIVED
JUN 04 2018
SC Court of Appeals

RE: *The Gates at Williams-Brice Condominium Association, et al. v. Quality Built, LLC*
Lower Court Case No.: 2013-CP-40-7729
Court of Appeals Case No.: 2017-002325
HBS File No.: 7484.0001


Dear Ms. Salen:

As it pertains to the above-captioned appeal, in accordance with Rule 208(a)(2) of the SCACR, enclosed please find the original and one copy of Initial Brief of Respondent and Designation of Matter to be Included in the Record on Appeal, as well as a Proof of Service for each.

Please file the original and return a clocked copy to our office in the enclosed self-addressed, stamped envelope. By copy of this letter we are serving counsel of record with the same.

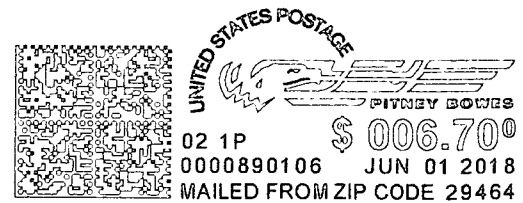
Thank you for your assistance in this matter. If you have any questions or concerns, please do not hesitate to contact our office.

Very truly yours,


Elizabeth F. Wieters

EFW/sb

cc: Justin O'Toole Lucey, Esquire
Stephanie D. Drawdy, Esquire
Kent Stair, Esquire
Robin Graham, Esquire



02 1P

\$ 006.70[®]

0000890106 JUN 01 2018

MAILED FROM ZIP CODE 29464

H|B|S

HALL BOOTH SMITH, P.C.
111 Coleman Boulevard
Suite 301
Mount Pleasant, SC 29464Hall Booth Smith, P.C.
Attn: Elizabeth Wieters, Esq.
111 Coleman Blvd., Suite 301
Mount Pleasant, SC 29464