

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

Case No. 2016-CP-02-02339
Appellate Case No.: 2018-001039

RECEIVED
OCT 19 2018
SC Court of Appeals

University of South Carolina Aiken.Respondent.

V.

University Housing Services, Inc., H.G. Reynolds Company, Inc., Southern Wall Systems, Inc.,
McElroy Specialty Interiors, Inc., Crosby Broadwater d/b/a Broadwater Construction, Tim
Stephens d/b/a Sa-Glo Carolina a/k/a San-Glo Glass, Inc., William Bell d/b/a Bell Siding &
Roofing a/k/a Bell Siding & Roofing, LLC, Croft Hill Siding, Inc., East Coast Painting, Inc.,
and John Doe 3 Defendants.

University Housing Services, Inc. Third-Party Plaintiff,

V.

Aiken, Aiken, Beauchamp and Sheetz Architects, Inc. Third-Party Defendant.

Of which University Housing Services, Inc. and H.G. Reynolds Company, Inc.
are theAppellants.

**APPELLANT H.G. REYNOLDS COMPANY, INC.'S DESIGNATION OF MATTER TO
BE INCLUDED IN RECORD ON APPEAL**

Appellant H.G. Reynolds Company, Inc. proposes the following to be included in the
Record on Appeal.

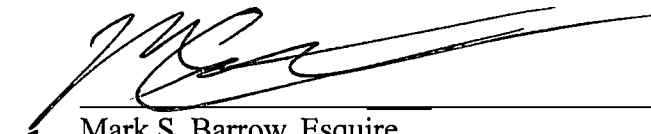
1. Complaint filed October 21, 2016.
2. First Amended Complaint filed October 24, 2016.
3. H.G. Reynolds' Answer, Cross-Claims and Third-Party Complaint filed on December 5, 2016.
4. University Housing Services, Inc.'s Answer to Plaintiff's First Amended Complaint and Cross-Claims filed on December 27, 2016.
5. Notice of Motion and Motion to Dismiss or Substitute on the Basis that Plaintiff is Not the Real Party-in-Interest filed by Defendant University Housing Services, Inc. on December 30, 2016.
6. Notice of Motion and Motion to Dismiss or Stay Civil Action for Arbitration filed by Defendant University Housing Services, Inc. on January 9, 2017 with all exhibits.
7. H.G. Reynolds' Motion to Dismiss or Stay the Civil Action for Arbitration dated January 27, 2017.
8. H.G. Reynolds' Memorandum of Law in Support of its Motion to Dismiss or Stay Civil Action for Arbitration filed on April 7, 2017 with all exhibits.
9. Underwriting Agreement.
10. Lease Agreement.
11. Loan Agreement.
12. Trust Indenture.
13. General Warranty Deed.
14. Assignment and Assumption Agreement re: Inter Alia Lease Agreement (with Tenants) Recorded in Deed Volume 2339, Page 99.
15. University Housing Services, Inc. and H.G. Reynolds' Putative Contract with Standard AIA A201 1997 General Conditions.
16. Design-Build Agreement dated August 13, 2003.
17. Assignment, Assumption and Consent Agreement dated April 3, 2006.
18. Termination of Lease.

19. Plaintiff's Motion for Leave to File Second Amended Summons and Complaint filed on March 9, 2017.
20. Affidavit of Jeffrey Reynolds dated March 30, 2017.
21. Memorandum in Opposition to Defendants' Motion to Compel Arbitration filed by Plaintiff University of South Carolina Aiken on April 7, 2017.
22. Reply to Plaintiff's Memorandum in Opposition to Motion and Motion to Dismiss or Stay Civil Action for Arbitration filed by Defendant University Housing Services, Inc. on April 10, 2017.
23. H.G. Reynolds' Reply to Plaintiff's Memorandum of Law in Opposition to Defendant H.G. Reynolds Company, Inc.'s Motion to Dismiss or Stay Civil Action for Arbitration filed April 28, 2007.
24. Memorandum in Opposition to Plaintiff's Motion to Amend First Amended Complaint filed by Defendant University Housing Services, Inc. on April 28, 2017 with exhibit.
25. H.G. Reynolds' Memorandum of Law in Opposition to Plaintiff's Motion to Amend First Amended Complaint filed April 28, 2007.
26. Memorandum in Support of Motion for Leave to File Second Amended Summons and Complaint filed by Plaintiff University of South Carolina Aiken on May 3, 2017.
27. Order Granting Leave to File Second Amended Complaint filed May 19, 2017.
28. Order Denying University Housing Services, Inc. and H.G. Reynolds Company, Inc.'s Motion to Dismiss or Stay Civil Action for Arbitration filed May 23, 2017.
29. Second Amended Complaint filed May 23, 2017.
30. Notice of Motion and Motion and Memorandum in Support of Motion to Reconsider Order Denying Motion to Dismiss or Stay Civil Action for Arbitration filed by Defendant University Housing Services, Inc. on May 26, 2017.
31. Defendant University Housing Services, Inc.'s Notice of Motion and Motion and Memorandum in Support to Reconsider the Order Granting Motion to Amend filed May 26, 2017 and exhibit.
32. H.G. Reynolds' Motion and Memorandum of Law in Support of Its Motion to Alter or Amend the Court's Order Denying H.G. Reynolds Company, Inc.'s Motion To Dismiss or Stay Civil Action for Arbitration filed May 30, 2017.
33. H.G. Reynolds Company, Inc.'s Motion to Alter or Amend Pursuant to Rule 59(E), SCRPC, and Memorandum in Support of Its Motion To Reconsider the Order Granting the Plaintiff's Motion to Amend filed May 30, 2017.

36. University Housing Services, Inc.'s Answer to Plaintiff's Second Amended Complaint, Cross-Claims against H.G. Reynolds and Subcontractors Named in the Civil Action and Third-Party Complaint against Aiken, Aiken, Beauchamp & Sheetz Architects, Inc.
37. H.G. Reynolds Company, Inc.'s Answer to Second Amended Complaint and Cross-Claims.
38. Form 4 Order filed May 10, 2018.
39. Transcript of Hearing — April 10, 2017.
40. Transcript of Hearing — May 1, 2017.
41. Transcript of Hearing — June 20, 2017.
42. Transcript of Hearing — April 23, 2018.
43. University Housing Services, Inc.'s Notice of Appeal filed June 4, 2018.
44. H.G. Reynolds Company, Inc.'s Notice of Appeal filed June 5, 2018.

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

October 19, 2018



FOR Mark S. Barrow, Esquire
Christy E. Mahon, Esquire
Sweeny, Wingate & Barrow, P.A.
1515 Lady Street
Post Office Box 12129
Columbia, South Carolina 29211
803-256-2233
Attorneys for Appellant H. G. Reynolds Company,
Inc.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

Case No. 2016-CP-02-02339
Appellate Case No.: 2018-001039

RECEIVED
OCT 19 2018
SC Court of Appeals

University of South Carolina Aiken.Respondent.

V.

University Housing Services, Inc., H.G. Reynolds Company, Inc., Southern Wall Systems, Inc.,
McElroy Specialty Interiors, Inc., Crosby Broadwater d/b/a Broadwater Construction, Tim
Stephens d/b/a Sa-Glo Carolina a/k/a San-Glo Glass, Inc., William Bell d/b/a Bell Siding &
Roofing a/k/a Bell Siding & Roofing, LLC, Croft Hill Siding, Inc., East Coast Painting, Inc.,
and John Doe 3 Defendants.

University Housing Services, Inc. Third-Party Plaintiff,

V.

Aiken, Aiken, Beauchamp and Sheetz Architects, Inc. Third-Party Defendant.

Of which University Housing Services, Inc. and H.G. Reynolds Company, Inc.
are theAppellants.

**APPELLANT H.G. REYNOLDS COMPANY, INC.'S PROOF OF SERVICE FOR
DESIGNATION OF MATTER**

I certify that I have served the Designation of Matter to be Included in the Record on Appeal on Respondent and all Counsel of Record by depositing a copy of it in the United States Mail, postage prepaid, on October 19, 2018 addressed to their attorneys of record, listed as follows:

Gregory M. Alford, Esquire
Alford & Thoreson, LLC
Post Office Drawer 8008
Hilton Head Island, SC 29938
Attorney for Respondent University of South Carolina

Glynn L. Capell, Esquire
The Capell Law Firm, LLC
18 Executive Park Road, Suite 4
Post Office Box 6628
Hilton Head Island, SC 29928
Attorney for Respondent University of South Carolina

Charles Whaley Thomson, Esquire
The Capell Law Firm, LLC
321 East Bay Street
Charleston, SC 29401
Attorney for Respondent University of South Carolina

Jesse A. Kirchner Esquire
Thurmond Kirchner Timbes & Yelverton, P.A.
15 Middle Atlantic Wharf, Suite 101
Charleston, SC 29401
Attorney for Respondent University of South Carolina

John L. McCants, Esquire
Rogers, Lewis, Jackson, Mann & Quinn, LLC
PO Box 11803
Columbia, SC 29211
Attorney for Appellant University Housing Services, Inc.

Emily R. Gifford, Esquire
Richardson, Plowden, Carpenter & Robinson, P.A.
1900 Barnwell Street (29201)
Post Office Drawer 7788
Columbia, SC 29202
Attorney for McElroy Specialty Interiors Inc.

Christopher Clinton Mingledorff, Esquire
Moore Ingram Johnson & Steele, LLP
885-B Island Park Drive
Charleston, SC 29492

Attorney for Defendant McElroy Specialty Interiors, Inc.

Jonathan G. Roquemore, Esquire
Hedrick Gardner Kincheloe & Garofalo, LLP
PO Box 11267
Columbia, SC 29211
Attorney for Southern Wall Systems, Inc.

William A. Collins, Esquire
Dougall & Collins
1700 Woodcreek Farms Road, Suite 100
Elgin, SC 29045
Attorney for Croft Hill Siding, Inc.

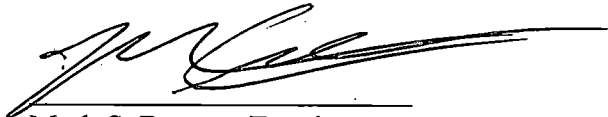
William Duffie Powers, Esquire
Carter R. Massingill, Esquire
Gallivan, White & Boyd, P.A.
Post Office Box 10589
Greenville, SC 29603
Attorneys for William Bell, Bell Siding and Roofing and Bell Siding and Roofing, LLC

John E. Cuttino, Esquire
Gallivan, White & Boyd, P.A.
1201 Main Street, Suite 1200
Columbia, SC 29201
Attorney for Crosby Broadwater and Broadwater Construction

Christopher A. Majure, Esquire
Murphy & Grantland, P.A.
Post Office Box 6648
Columbia, SC 29206
Attorney for San-Glo Carolina

Kent Taylor Stair, Esquire
Paul E. Sperry, Esquire
John Patrick Norris, Esquire
Carlock Copeland & Stair, LLP
40 Calhoun Street, Suite 400
Charleston, SC 29401-3001
Attorneys for Aiken, Aiken Beauchamp and Sheetz

October 18, 2018



FOR

Mark S. Barrow, Esquire
Christy E. Mahon, Esquire
Sweeny, Wingate & Barrow, P.A.
1515 Lady Street
Post Office Box 12129
Columbia, South Carolina 29211
803-256-2233
Attorneys for Appellant H. G. Reynolds Company,
Inc.