

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Diane Goodstein, Circuit Court Judge

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Case No. 2012-CP-10-7594  
Appellate Case No. 2018-001230

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**RECEIVED**  
DEC 04 2018  
SC Court of Appeals

One Belle Hall Property Owners Association, Inc., and  
Marvin T. Meek and Francis E. Hill, individually and  
on behalf of all others similarly situated,..... Respondents,

v.

Builders FirstSource-Southeast Group, LLC, ..... Appellant.

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**APPELLANT'S DESIGNATION OF MATTER  
FOR THE RECORD ON APPEAL**

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Pursuant to Rule 209, SCACR, Builders FirstSource-Southeast Group, LLC ("Appellant") designates the following material for inclusion in the record on appeal. Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to the appeal:

**ORDERS AND JUDGMENT**

1. Order dismissing Defendants dated 4/19/2016.
2. Order dismissing Defendant TAMKO dated 7/20/2016.
3. Order denying Set-Off dated 11/16/2017.

4. Order denying Builders FirstSource Motion to Alter or Amend dated 6/27/2018.
5. Verdict Form
6. Judgment filed September 22, 2016.

#### **PLEADINGS**

7. Original Complaint filed November 19, 2012.
8. First Amended Complaint filed December 31, 2013.
9. Third Amended Complaint filed February 9, 2015.
10. Builders FirstSource Answer to 1<sup>st</sup> Amended Complaint.

#### **TRANSCRIPTS**

11. Transcript of Hearing dated April 20, 2017.
12. Transcript of Hearing dated November 18, 2016.
13. Trial Transcript pages: 186, 204-205, 211-212, 219-220, 256-267, 275, 356-357, 360-365, 366-373, 470-479, 529-545, 569-570, 639, 670-672, 676-678, 693-694, 701-702, 716-717, 742-748.

#### **EXHIBITS, MISCELLANEOUS AND MOTIONS:**

14. Exhibit 39 – Expert Report
15. Exhibit 162/Joint Exhibit 31 - Warranty Book.
16. Exhibit 325(f) – Builders’ repair estimate.
17. Builders’ Motion to Compel and Motion for Determination of Set-Off filed 9/8/2016.
18. Builders’ Original Rule 59 Motion for Judgment and JNOV/New Trial filed 9/12/2016.
19. Builders’ Supplemental Memorandum with remaining grounds for consideration of BFS’s post-trial motion filed 4/19/2017.
20. Builders’ Motion to Alter or Amended Court Order of 11/17/2017.

21. All Settlement Agreements with Co-Defendants Produced to Builders (under seal)
22. Notice of Appeal filed 6/29/2018.

***SIGNATURE PAGE ATTACHED***

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

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Attorneys for Builders FirstSource-Southeast Group, LLC

Columbia, South Carolina

11/30, 2018

Other Counsel of Record:

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Dabny Lynn, Esquire  
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Case No. 2012-CP-10-7594

One Belle Hall Property Owners Association, Inc., and  
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on behalf of all others similarly situated,.....

Plaintiffs/  
Respondents,

v.

Builders FirstSource-Southeast Group, LLC, .....

Defendant/  
Appellant.

**PROOF OF SERVICE**

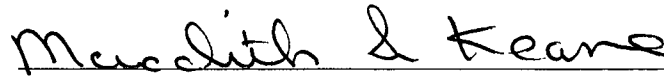
I, the undersigned paralegal of the law offices of Nelson Mullins Riley & Scarborough  
LLP, attorneys for Builders FirstSource Southeast Group LLC, do hereby certify that I have  
served all counsel in this action with a copy of the pleading(s) hereinbelow specified to the  
following address(es):

Pleadings: **Appellant's Initial Brief**  
**Appellant's Designation of Matter for the Record on Appeal**

Counsel Served:

**U.S. Mail**

Justin Lucey, Esquire  
Dabny Lynn, Esquire  
Justin O'Toole Lucey, P.A.  
415 Mill Street  
Post Office Box 806  
Mt. Pleasant, SC 29465

A handwritten signature in cursive script that reads "Meredith S. Keane". The signature is written in black ink and is positioned above a horizontal line.

Meredith S. Keane  
Senior Paralegal

November 30, 2018



**NELSON MULLINS**

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November 30, 2018

**U.S. Mail**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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SC Court of Appeals

RE: One Bell Hall Property Owners Association Inc., et al. v. Builders  
FirstSource -- Southeast Group, LLC  
Appellate Case No. 2018-001230  
Civil Action No. 2012-CP-10-07594  
Our File No. 000350/01800

Dear Ms. Kitchings:

Enclosed for filing in the above matter, the original and one copy each of Appellant's Initial Brief and Appellant's Designation of Matter for the Record on Appeal. Please file the original and return a clocked copy to me in the self-addressed stamped envelope provided.

By copy of this letter to counsel of record, we are hereby serving them with a copy of these filings.

With kind regards, I remain

Sincerely yours,

William C. Wood, Jr.

WCWJR:mws  
Enclosure

cc: Justin Lucey, Esquire  
Dabny Lynn, Esquire



**NELSON MULLINS**

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The Honorable Jenny Abbott Kitchings  
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South Carolina Court of Appeals  
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