

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
COURT OF COMMON PLEAS

The Honorable Alexander S. Macaulay, Circuit Court Judge

Case No. 2009-CP-37-0652
Appellate Case No. 2012-212830

RECEIVED

JAN 17 2013

SC Court of Appeals

Stoneledge at Lake Keowee Owners' Association, Inc., C. Dan Carson, Jeffrey J. Dauler, Joan W. Davenport, Michael Furnari, Donna Furnari, Jessy B. Grasso, Nancy E. Grasso, Robert P. Hayes, Lucy H. Hayes, Ty Nix, Jennifer D. Hix, Paul W. Hund, III, Ruth E. Isaac, Michael D. Plourde, Mary Lou K. Plourde, Carol C. Pope, Steven B. Taylor, Bette J. Taylor, Robert White, Individually, and on behalf of all others similarly situated.....Appellants,

v.

IMK Development Co., LLC, Keowee Townhouses, LLC, Ludwig Corporation, LLC, SDI Funding, LLC, Medallion At Keowee, LLC, Integrys Keowee Development, LLC, Marick Home Builders, LLC, Bostic Brothers Construction, Inc. and Miller/Player & Associates, John Ludwig, M Group Construction and Development, LLC, Clearview Construction, Michael Franz, MHC Contractors, Miguel Porras Choncoas, Builders First Source Southeast Group, Mike Green, Southern Concrete Specialties, Carl Compton d/b/a Compton Enterprise a/k/a Compton Enterprises, Gunter Heating and Air, All Pro Heating, A/C & Refrigeration, LLC, Coleman Waterproofing, Heyward Electrical Services, Inc., Tinsley Electrical, LLC, Hutch N Son Construction, Inc., Carl Catoe Construction, Inc., T.G. Construction, LLC, Delfino Construction, Francisco Javier Zarate d/b/a Zarate Construction, Alejandro Avalos Cruz, Herberto Acros Hernandez, Martin Hernandez-Aviles, Francisco Villalobos Lopez, Ambrosio Martinez-Ramirez, Ester Moran Mentado, Socorro Castillo Montel, Upstate Utilities, Inc., Southern Basements, Inc., MJG Construction and Homebuilders, Inc. d/b/a MJG Construction, KMAC, Inc., d/b/a KMAC North Carolina, Eufacio Garcia, Everado Jarmamillo, Garcia Parra Insulation, Inc., J&J Construction, Jose Nino, Jose Manuel Garcia, Eason Construction, Inc., and Vincent Morales d/b/a Morales Masonry, Defendants.

Of Whom Gunter Heating & Air and All Pro Heating, A/C &
Refrigeration, LLC.....Respondents.

SUPPLEMENTAL RECORD ON APPEAL

Robert T. Lyles
Lyles & Lyles, LLC
342 East Bay Street
Charleston, South Carolina 29401
(843) 577-7730
Attorneys for Appellants

Charles F. Turner, Jr.
Anne R. Culbreath
Lauren T. Maxwell
Turner Padgett Graham & Laney P.A.
P.O. Box 1509
Greenville, South Carolina 29602
Telephone: (864) 552-4600
Fax: (864) 552-4620
*Attorneys for Respondent All Pro Heating,
A/C & Refrigeration, LLC*

Bradford W. Cranshaw, Esq
Danielle F. Payne, Esq
Grief, Cox & Cranshaw, LLC
Post Office Box 2823
Columbia, S.C. 29202

-and-

J. Victor McDade, Esq
Doyle, Tate & McDade, P.A.
Post Office Box 2125
Anderson, S.C. 29622
*Attorneys for Respondent Gunter Heating &
Air*

INDEX

Deposition of Derek Hodgins, P.E. dated January 23, 2012.....186
Cross-Examination by Mr. Turner.....187

STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS
COUNTY OF OCONEE C.A. NO. 2009-CP-37-0652

Stoneledge at Lake Keowee
Owners' Association, et.al.,
Plaintiffs,

vs.

IMK Development Company, Inc.
Keowee Townhouses, LLC,
Ludwig Corporation, LLC,
SDI Funding, LLC, Medallion
At Keowee, LLC, Integrys
Keowee Development, LLC,
Marick Home Builders, LLC,
Bostic Brothers Construction,
Miller/Player & Associates,
et. al.

Defendants.

DEPOSITION of DEREK HODGIN (DAY 1)

Pursuant to notice, a deposition was taken in the
above case on the January 23, 2012, commencing at
approximately 9:25 a.m. attended by counsel as follows:

DEPOSITIONS AND _____, INC.
(864) 585-0642

1 engineering certainty whether All Pro Heating and
2 Air or an HVAC contractor contacted it and broke
3 it?

4 A. No, sir.

5 Q. Good. Let's got to B2. This is a cut truss
6 member.

7 A. Yes, sir.

8 Q. And before I go into that, let me drop back and ask
9 you some questions. How many times have you been
10 out to the site, Mr. Hodgkin?

11 A. I would say in the neighborhood of six to ten
12 times.

13 Q. How much time total have you spent out there?

14 A. In terms of hours?

15 Q. Hours.

16 A. I would say probably on the order of a couple days,
17 two or three days, so probably, you know, 16 to 24
18 hours.

19 Q. The item that's listed under B2, which is a web
20 member of a truss that had been cut or removed, and
21 it looks like it's in Unit 552. Is that the way I
22 read the spreadsheet?

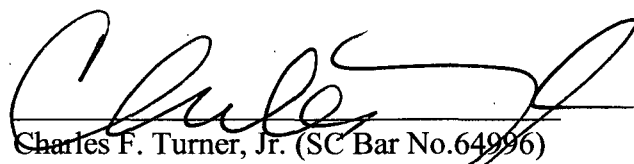
23 A. Yes, sir.

24 Q. And as I understand it, you didn't create this
25 spreadsheet?

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

January 15, 2013



Charles F. Turner, Jr. (SC Bar No.64996)

Anne R. Culbreath (SC Bar No.15536)

Lauren T. Maxwell (SC Bar No.79846)

Turner Padgett Graham & Laney P.A.

P.O. Box 1509

Greenville, South Carolina 29602

Telephone: (864) 552-4600

Fax: (864) 552-4620

**Attorneys for Respondent All Pro
Heating, A/C & Refrigeration, LLC**

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Of Whom Gunter Heating & Air and All Pro Heating, A/C &
Refrigeration, LLC.....Respondents.

PROOF OF SERVICE

I certify that I have served the Written Consent to File Supplemental Record on Appeal and Supplemental Record on Appeal by depositing a copy of it in the United States Mail, First Class postage prepaid, on January 15, 2013, addressed to attorneys of record, Robert T. Lyles, Post Office Box 773, Charleston, SC 29401, Bradford W. Cranshaw and Danielle F. Payne, P.O. Box 2823, Columbia, SC 29202, and J. Victor McDade, P.O. Box 2125, Anderson, SC 29622.

Respectfully submitted,



Charles F. Turner, Jr. (SCBar#64996)
Anne R. Culbreath (SCBar#15536)
Lauren T. Maxwell (SCBar#79846)
Turner Padgett Graham & Laney P.A.
P.O. Box 1509
Greenville, South Carolina 29602
Telephone: (864) 552-4600
Fax: (864) 552-4620

**Attorneys for Respondent All Pro
Heating, A/C & Refrigeration, LLC**

January 15, 2013