

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

Appeal from the Court of Common Pleas  
For Charleston County  
Civil Action No.: 2009-CP-10-6746  
Appellate Case No.: 2012-213584

---

**RECEIVED**  
JAN 09 2014  
SC Court of Appeals

Long Grove at Seaside Farms, LLC; The Beach Company; and Gulfstream  
Construction Company, Inc., Respondents,

v.

Long Grove Property Owners' Association, Inc.; Vista Realty Partners, LLC; and  
Long Grove Vista, LLC;

Of Whom Long Grove Property Owners' Association, Inc. is Appellant.

Long Grove Property Owners' Association, Inc., Third-Party Plaintiffs,

v.

James, Harwick & Partners, Inc., n/k/a JHP Architecture/Urban Design, P.C.; Sam  
Mayo, d/b/a SCM Construction, Inc.; and Essex Engineering Corporation, Third-Party  
Defendants,

Of Whom James, Harwick & Partners, Inc., n/k/a JHP Architecture/Urban Design, P.C. is  
Respondent.

---

**SUPPLEMENTAL RECORD ON APPEAL**

---

George E. Mullen, Esquire  
MULLEN WYLIE, LLC  
P.O. Box 5969  
Hilton Head, SC 29938

and

Francis E. Grimball, Esquire  
MULLEN WYLIE, LLC  
171 Church Street, Suite 370  
Charleston, SC 29401  
**Attorneys for Appellant Long Grove  
Property Owners' Association, Inc.**

David J. Parrish  
Stephen P. Groves  
NEXSEN PRUET, LLC  
PO Box 486  
Charleston, SC 29402  
Phone 843.720.1771  
Fax 843.414.8214  
Email dparrish@nexsenpruet.com  
**Attorneys for Respondents Long Grove at Seaside Farms, LLC, The Beach Company, and  
Gulfstream Construction Company, Inc.**

James Lynn Werner, Esquire  
PARKER POE ADAMS & BERNSTEIN, LLP  
1201 Main Street, Suite 1450  
Columbia, SC 29201

and

Laura Locklair, Esquire  
PARKER POE ADAMS & BERNSTEIN, LLP  
200 Meeting Street, Suite 301  
Charleston, SC 29401  
**Attorneys for Respondents James, Harwick & Partners, Inc. n/k/a JHP  
Architecture/Urban Design, P.C.**

**TABLE OF CONTENTS**

*Page*

Deposition of Kent A. Johnson (cover page and pages 97-98) .....S001

# COPY

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
Case No.: 09-CP-10-6746

THE BEACH COMPANY; LONG )  
GROVE at SEASIDE FARMS, )  
LLC; GULF STREAM )  
CONSTRUCTION COMPANY, )  
INC., )

Plaintiffs, )

-vs-

LONG GROVE PROPERTY )  
OWNERS' ASSOCIATION, )  
INC., VISTA REALTY )  
PARTNERS, LLC; LONG GROVE )  
VISTA, LLC, )

Defendants.)

-----  
LONG GROVE PROPERTY )  
OWNERS' ASSOCIATION, )  
INC., )

Third-Party Plaintiff, )

-vs-

JAMES, HARWICK & )  
PARTNERS, INC., k/n/a JHP )  
ARCHITECTURE/URBAN )  
DESIGN, P.C.; SAM MAYO )  
d/b/a SCM CONSTRUCTION, )  
INC.; ESSEX ENGINEERING )  
CORPORATION, )

Third-Party Defendants.)  
-----

THE 30(b)6 DEPOSITION OF:

**Mr. Kent A. Johnson**

Date: Thursday, June 17, 2010

Time: 9:50 a.m.

Location: Mullen Wylie, LLC  
171 Church Street  
Suite 370  
Charleston, SC 29401

Reporter: Kimberli S. Hogle  
Court Reporter &  
Notary Public  
(843) 849-3007

# S001

KIMBERLI S. HOGLE  
Independent Court Reporter  
Tele: (843) 849-3007 Fax: (843) 849-7127

1 extension cords and so forth, that they would be available  
2 to assist the third-party inspector in doing that work.

3 MS. JOWERS: That's it for me. Thanks.

4 EXAMINATION BY MR. LESEMANN:

5 Q. Mr. Johnson, I will ask you probably what will  
6 be just one question. And for reference, I'll use Exhibit  
7 16, the sales contract relating to the Long Grove Apartment  
8 Community. And under section 15, we've discussed this  
9 through prior questions, but it's the section that's  
10 entitled "Assumption of Liability and Release of Claims."

11 MR. PARRISH: What page is it on?

12 MR. LESEMANN: It's Beach Company 321.

13 MR. PARRISH: I'll show him this copy.

14 MR. LESEMANN: Okay.

15 MR. PARRISH: What page of the contract?

16 MR. LESEMANN: 10.

17 BY MR. LESEMANN:

18 Q. And if you see the paragraph, again in section  
19 marked 15, and then subsection B.

20 A. Okay.

21 Q. And as it goes through that section it talks  
22 about affiliates. And "affiliates" was defined as  
23 "Affiliates, agents, officers, directors, employees,  
24 insurers, representatives, successors, assigns, and all  
25 other companies, partnerships, entities, or persons involved

**5002**

1 in the design, development and/or construction of the  
2 apartment buildings and apartments therein and all other  
3 improvements prior to the closing date of this sale  
4 transaction." And so my one question to The Beach Company  
5 would be would The Beach Company have intended and The Beach  
6 Company consider the original architect to be a party that  
7 would have been involved in the design, development and  
8 construction of the apartment buildings?

9 MR. GRIMBALL: Object to the form.

10 A. Yes.

11 MR. LESEMANN: That's my only question.

12 FURTHER EXAMINATION BY MR. GRIMBALL:

13 Q. How many employees did The Beach Company employ  
14 approximately?

15 A. At which level?

16 Q. The overall. Ignore Gulf Stream. Set Gulf  
17 Stream aside. That's a wholly-owned subsidiary; correct?

18 A. It is, as is City Marina, which is a  
19 wholly-owned subsidiary that has its own staff and group of  
20 people.

21 Q. I'm really talking about The Beach --

22 A. The Beach Company downtown entity as well as all  
23 the various remote staff that we have at apartment complexes  
24 and so forth?

25 Q. Uh-huh.

S003

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

Appeal from the Court of Common Pleas  
For Charleston County  
Civil Action No.: 2009-CP-10-6746  
Appellate Case No.: 2012-213584

---

Long Grove at Seaside Farms, LLC; The Beach Company; and  
Gulfstream Construction Company, Inc., Respondents,

v.

Long Grove Property Owners' Association, Inc.;  
Vista Realty Partners, LLC; and Long Grove Vista, LLC;

Of Whom Long Grove Property Owners' Association, Inc. is Appellant.

Long Grove Property Owners' Association, Inc., Third-Party Plaintiff,

v.

James Harwick & Partners, Inc., n/k/a JHP  
Architecture/Urban Design P.C.; Sam Mayo, d/b/a SCM  
Construction, Inc.; Essex Engineering Corporation,  
Third-Party Defendants,

Of Whom James Harwick & Partners, Inc., n/k/a JHP Architecture/Urban Design, P.C. is  
Respondent.

---

**RULE 210(g) CERTIFICATE OF COUNSEL  
REGARDING THE SUPPLEMENTAL RECORD ON APPEAL**

---

The undersigned counsel certifies that the Supplemental Record on Appeal submitted on behalf of  
Respondents complies with Rule 210(g), SCARC.

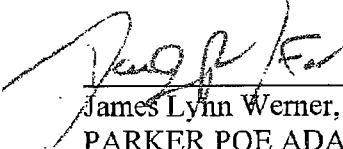
**RECEIVED**  
APR 23 2014  
SC Court of Appeals

Respectfully submitted,



David J. Parrish  
Stephen P. Groves  
NEXSEN PRUET, LLC  
PO Box 486  
Charleston, SC 29402

**Attorneys for Respondents Attorneys for Respondents  
Long Grove at Seaside Farms, LLC, The Beach  
Company and Gulfstream Construction Company, Inc.**



James Lynn Werner, Esquire  
PARKER POE ADAMS & BERNSTEIN, LLP  
1201 Main Street, Suite 1450  
Columbia, SC 29201

and

Laura Locklair, Esquire  
PARKER POE ADAMS & BERNSTEIN, LLP  
200 Meeting Street, Suite 301  
Charleston, SC 29401  
**Attorneys for Respondents James, Harwick & Partners,  
Inc. n/k/a JHP Architecture/Urban Design, P.C.**

April 23, 2014



THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

Appeal from the Court of Common Pleas  
For Charleston County  
Civil Action No.: 2009-CP-10-6746  
Appellate Case No.: 2012-213584

---

Long Grove at Seaside Farms, LLC; The Beach Company; and Gulfstream  
Construction Company, Inc., Respondents,

v.

Long Grove Property Owners' Association, Inc.; Vista Realty Partners, LLC; and  
Long Grove Vista, LLC;

Of Whom Long Grove Property Owners' Association, Inc. is Appellant.

Long Grove Property Owners' Association, Inc., Third-Party Plaintiff,

v.

James Harwick & Partners, Inc., n/k/a JHP Architecture/Urban Design P.C.; Sam  
Mayo, d/b/a SCM Construction, Inc.; Essex Engineering Corporation, Third-Party  
Defendants,

Of Whom James Harwick & Partners, Inc., n/k/a JHP Architecture/Urban Design, P.C. is  
Respondent.

---

**PROOF OF SERVICE FOR  
RESPONDENTS' FINAL BRIEF, RESPONDENTS'  
MOTION TO SUPPLEMENT RECORD ON APPEAL, AND RESPONDENTS'  
PROPOSED SUPPLEMENTAL RECORD ON APPEAL**

---

David J. Parrish  
NEXSEN PRUET, LLC  
PO Box 486  
Charleston, SC 29402  
Phone: (843) 720-1771  
Fax: (843) 414-8214  
Email: dparrish@nexsenpruet.com

RECEIVED

JAN 02 2014

SC Court of Appeals


I, hereby certify that on December 30, 2013, I served a copy of the *Respondents' Final Brief, Respondents' Motion to Supplement the Record on Appeal, and Respondents' proposed Supplemental Record on Appeal* on counsel for the parties of record in this case via United States Mail, postage pre-paid, as addressed shown below.

George E. Mullen, Esquire  
MULLEN WYLIE, LLC  
P.O. Box 5969  
Hilton Head, SC 29938  
**Attorney for Appellant**

Francis E. Grimball, Esquire  
MULLEN WYLIE, LLC  
171 Church Street, Suite 370  
Charleston, SC 29401  
**Attorney for Appellant**

James Lynn Werner, Esquire  
PARKER POE ADAMS & BERNSTEIN, LLP  
1201 Main Street, Suite 1450  
Columbia, SC 29201  
**Attorneys for Respondents James, Harwick & Partners, Inc. n/k/a JHP Architecture/Urban Design, P.C.**

Laura Locklair, Esquire  
PARKER POE ADAMS & BERNSTEIN, LLP  
200 Meeting Street, Suite 301  
Charleston, SC 29401  
**Attorneys for Respondents James, Harwick & Partners, Inc. n/k/a JHP Architecture/Urban Design, P.C.**

  
\_\_\_\_\_  
NEXSEN PRUET, LLC  
Charleston, South Carolina  
Telephone: 843.720.1771  
Fax: 843.414.8214