

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
Diane Goodstein, Circuit Court Judge

**RECEIVED**

JUN 05 2019

SC Court of Appeals

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

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.

**RESPONDENTS' DESIGNATION OF MATTER FOR THE RECORD ON APPEAL**

Pursuant to the South Carolina Appellate Court Rules, Respondents designate the following material for inclusion in the record on appeal. Per Rule 209(c), SCACR, the undersigned counsel certifies that the designation contains no matter which is irrelevant to the appeal.

I. Orders and Judgments

1. 9/1/16 Verdict Form
2. 9/22/16 Form 4 Order
3. 11/16/17 Order Denying BFS Motion to Compel
4. 6/27/18 Order Denying BFS Rule 59(e) Motion

## II. Complaints and Answers

1. 11/19/12 OBH Initial Complaint
2. 12/31/13 OBH First Amended Complaint
3. 1/8/15 OBH Second Amended Complaint
4. 2/9/15 OBH Third Amended Complaint
5. 1/31/14 BFS Answer to First Amended Complaint
6. 1/21/15 BFS Answer to Second Amended Complaint
7. 3/6/15 BFS Answer to Third Amended Complaint

## III. Transcripts

1. 8/29/16-9/1/16 Trial Transcript (Including Deposition Designations Read Into Record)
2. 11/18/16 Motion Hearing Transcript
3. 4/20/17 Motion Hearing Transcript

## IV. Exhibits

1. Joint Exhibit Nos: 44, 44(a), 82, 82.1, 82.2, 82.3, 82.5, 82.6, 129, 130, 179, 188, 214, 300.5, 301, 302, 304.3, 305, 325(a)-(g), 325(h), 327(a), 333, 420, 637, 699, 700, D.1, D. 214
- Corresponding Trial Exhibit Nos: 3, 4, 9, 10, 11, 12, 13, 14, 27, 28, 31, 32, 162, 39, 42, 44, 48, 49, 56, 57, 59, 60, 61, 88, 121, 122, 142, 162

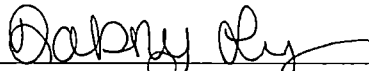
## V. Motions and Memos

1. 8/28/16 BFS Motion in Limine
2. 9/8/16 BFS Motion to Compel
3. 9/12/16 BFS Second JNOV Motion
4. 11/16/16 OBH Memo Opposing BFS Second JNOV Motion
5. 11/16/16 OBH Memo Opposing BFS Motion to Compel
6. 11/17/16 BFS Memo Supporting Second JNOV Motion
7. 11/17/16 BFS Memo Supporting Motion to Compel
8. 4/19/17 BFS Supplemental Memo Supporting Second JNOV Motion
9. 4/20/17 OBH Supplemental Memo Opposing BFS' Motion to Compel
10. 12/11/17 BFS Rule 59(e) Motion
11. 12/10/18 OBH Motion to Dismiss BFS Appeal

## VI. Miscellaneous

12. 9/1/16 BFS Counsel E-mail Consenting to Verdict Form
13. 9/7/16 BFS Motion to Compel Cover Letter
14. 9/27/16 Notice of Order/Jury Verdict
15. 6/29/18 BFS Served Notice of Appeal
16. 7/2/18 BFS Filed Notice of Appeal

JUSTIN O'TOOLE LUCEY, PA

By:   
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June 4, 2019  
Mount Pleasant, South Carolina

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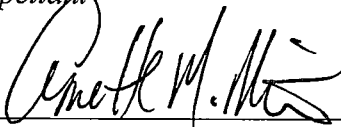
Builders FirstSource-Southeast Group, LLC,

Appellant.

**PROOF OF SERVICE**

The undersigned hereby certifies that on this day (s)he served a true copy of the within and foregoing **Respondents' Designation of Matter for the Record on Appeal** upon all parties to this matter by depositing the same in the U.S. Mail, proper prepaid postage, and addressed to counsel of record as follows:

C. Mitchell Brown, Esquire  
William C. Wood, Jr., Esquire  
Nelson Mullins Riley & Scarborough, LLP  
1320 Main Street / 17<sup>th</sup> Floor  
Post Office Box 11070 (29211-1070)  
Columbia, SC 29201  
*Counsel for Appellant*

  
Annette M. Mixson, Paralegal

June 4, 2019

# JUSTIN O'TOOLE LUCEY, PA

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Anna S. McCann  
Lauren M. Milton  
Sohayla R. Townes  
Collin H. Fuller

June 4, 2019

**Via Federal Express Overnight Delivery**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

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**SC Court of Appeals**

Re: One Belle Hall Property Owners Association, Inc., and Marvin T. Meek and Francis E. Hill, individually and on behalf of all others similarly situated vs. Builders FirstSource-Southeast Group, LLC  
Appellate Case No.: 2018-001230

Dear Ms. Kitchings:

Please find enclosed for filing the original and one (1) copy each of Respondents' Initial Brief and Respondents' Designation of Matter for the Record on Appeal in the above-referenced matter. Please file the original and return a clocked-in copy to me in the self-addressed, stamped envelope provided for your convenience.

By copy of this letter, I am hereby serving counsel of record with a copy of the same.

With kindest regards, I am

Sincerely,



Annette M. Mixson  
Paralegal

:amm

Enclosures (as stated)

cc w/ encl.: C. Mitchell Brown, Esquire  
William C. Wood, Jr., Esquire

FedEx Tracking Number

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City **MOUNT PLEASANT** State **SC** ZIP **29544-4350**

**2 Your Internal Billing Reference** **DBH**

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Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless Saturday Delivery is selected.

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FedEx Standard Overnight  
Next business afternoon.\* Saturday Delivery NOT available.

**2 or 3 Business Days**

FedEx 2Day A.M.  
Second business morning.\* Saturday Delivery NOT available.

FedEx 2Day  
Second business afternoon.\* Thursday shipments will be delivered on Monday unless Saturday Delivery is selected.

FedEx Express Saver  
Third business day.\* Saturday Delivery NOT available.

**5 Packaging** \*Declared value limit \$500.

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**6 Special Handling and Delivery Signature Options** Fees may apply. See the FedEx Service Guide.

Saturday Delivery  
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No Signature Required  
Package may be left without obtaining a signature for delivery.

Direct Signature  
Someone at recipient's address may sign for delivery.

Indirect Signature  
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only.

**Does this shipment contain dangerous goods?**

No  Yes As attached Shipper's Declaration.  Yes Shipper's Declaration not required.

Restrictions apply for dangerous goods—see the current FedEx Service Guide.

Dry Ice  
Dry Ice, 9, UN 1845 \_\_\_\_\_ x \_\_\_\_\_ kg

Cargo Aircraft Only

**Payment Bill to:** Enter FedEx Acct. No. or Credit Card No. below. Obtain recip. Acct. No.

Sender  Acct. No. in Section 1 will be billed. Recipient  Third Party  Credit Card  Cash/Check

Total Packages \_\_\_\_\_ Total Weight \_\_\_\_\_ lbs. Credit Card Auth. [Redacted]

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