

THE STATE OF SOUTH CAROLINA

In the Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

Case No. 2015-CP-10-00955

Appellate Case No. 2019-000238

RECEIVED

JUN 14 2019

S.C. SUPREME COURT

Ex Parte:

Builders Mutual Insurance Company, Nationwide Mutual Fire Insurance Company, Nationwide Mutual Insurance Company, and Nautilus Insurance Company, Appellants,

In Re:

Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc., and Jack Love, individually, and on behalf of all others similarly situated, Plaintiffs,

v.

Island Pointe, LLC; Leonard T. Brown; Complete Building Corporation; Tri-County Roofing, Inc.; Creekside, Inc.; American Residential Services, LLC d/b/a Rescue Rooter Charleston; Andersen Windows, Inc.; Atlantic Building Construction Services, Inc. n/k/a Atlantic Construction Services, Inc.; Christopher N. Union; Builder Services Group, Inc. d/b/a Gale Contractor Services; Novus Architects, Inc. f/k/a SGM Architects, Inc.; Tallent and Sons, Inc.; W C Services, Inc., CRG Engineering, Inc.; Certainteed Corporation; Kelly Flooring Products, Inc. d/b/a Carpet Baggers and John Doe 1-60.....Defendants.

Tri-County Roofing, Inc.....Third-Party Plaintiff,

v.

Cornerstone Construction and Mark Malloy d/b/a Cornerstone Construction; Gutter Works, Inc. and Michael L. Segars d/b/a Gutter Works; Mr. Gutter; Litchfield Seamless Gutters & Windows, LLC and Thomas Litchfield d/b/a Litchfield Seamless Gutter; Miracle Siding, LLC and Wilson Lucas Sales d/b/a Miracle Siding, LLC; Mark Palpoint a/k/a Micah Palpoint; Elroy Alonzo Vasquez; and Chris a/k/a John Doe 61.....Third-Party Defendants.

And

Complete Building Corporation, Inc.....Third-Party Plaintiff,

v.

Alderman Construction; Stanley's Vinyl Fence Designs; Cohen's Drywall; and Mosley Concrete.....Third-Party Defendants.

Of whom Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. and Jack Love, individually, and behalf of all others similarly situated, Tri-County Roofing, Inc., Stanley's Vinyl Fence Designs, and W C Services, Inc. are the Respondents.

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

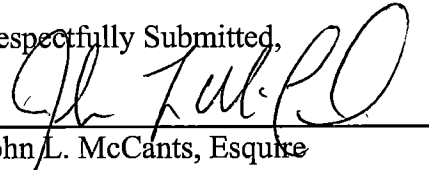
Pursuant to Rule 209, SCACR, the Appellant Builders Mutual Insurance Company hereby designates the following matter to be included in the record on appeal.

1. Order of The Honorable William H. Seals, Jr., Andrew and Diane Corvey v. Hall Custom Homes of South Carolina, No. 2009-CP-26-6392 (March 21, 2011).
2. Order of The Honorable John M. Milling, Special Referee, Harleysville Grp. Ins. v. Heritage Communities, Inc., No. 2009-CP-26-11862 (February 28, 2013).
3. Order of the Honorable J.C. Nicholson, Jr. Beresford Commons Homeowners Association, Inc. v. Portrait Homes- South Carolina, LLC, No. 2013-CP-08-0179 (January 17, 2017).
4. Order of the Honorable Clifton Newman, The Harbour Cove Condominium Association v. Centex Homes, No. 2014-CP-26-7634 (October 12, 2017).
5. Order of the Honorable William H. Seals, Jr., Michael Ingram v. Lauder Bay Developers, LLC No. 2017-CP-26-2854 (October 18, 2018).
6. Form 4 - Order Denying Motion to Intervene.
7. Form 4 - Order Denying Motion to Reconsider Motion to Intervene.
8. Order Staying Case (Circuit Court).
9. Order Lifting Stay (Circuit Court).

10. Order Denying Appellant's Petition for Review and Denying Respondents' Motion to Dismiss. (Court of Appeals).
11. Verdict Form and Special Verdict Form.
12. Complaint
13. Answer and Third Complaint by Tri-County Roofing.
14. Second Amended Complaint
15. Answer to Second Amended Complaint and Renewed Third Complaint by Tri-County Roofing.
16. Notice of Motion and Memorandum in Support of Motion for Intervention Pursuant to Rule 24, SCRCF, to Have the Court submit a Special Verdict Form and/or general verdict form accompanied by Answer to Interrogatories Pursuant to Rule 49, SCRCF. (Builders Mutual).
17. Submissions for Motion to Intervene.
18. Memorandum in Opposition to Motion to Intervene (Palmetto Pointe).
19. Memorandum in Opposition to Motion to Intervene (Tri-County Roofing, Inc.).
20. Notice of Appearance – Samuel M. Wheeler, Esq. with Smith Closser, P.A.
21. Notice of Motion and Motion to Reconsider Form 4 Judgment in Civil Action Denying Motion to Intervene (Builders Mutual).
22. Notice of Appeal (Builders Mutual).
23. Motion to Transfer Case to Supreme Court (Builders Mutual).
24. Response to Motion to Transfer Case (Palmetto Pointe).
25. Motion for Continuance of Trial (Complete Building Corp. and other Defendants).
26. Motion for Reconsideration of Order Staying Case (Palmetto Pointe).
27. Memorandum in Opposition by Builders Mutual to Petition to Lift Stay.
28. Petition Pursuant to Rule 241(d)(7), SCACR on behalf of Appellant Builders Mutual Insurance Company to Review Circuit Court Order Lifting Appeal Stay.

29. Response to Builders Mutual's Petition to Review Circuit Court Order Lifting Stay and Palmetto Pointe's Motion to Dismiss (Palmetto Pointe).
30. Affidavit of Service – Tri-County Roofing, Inc.
31. Transcript dated December 17, 2018.
32. Transcript dated April 25, 2019.
33. Tender Letter from Andrew Cole, Esq. to Builders Mutual.
34. Estimate - Exhibit 677.
35. Petition for Clarification or Rehearing – Auto Owners Ins. Co. v. Newman.

Respectfully Submitted,



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June 14, 2019

And

Complete Building Corporation, Inc.....Third-Party Plaintiff,

v.

Alderman Construction; Stanley's Vinyl Fence Designs; Cohen's Drywall; and Mosley Concrete.....Third-Party Defendants.

Of whom Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. and Jack Love, individually, and behalf of all others similarly situated, Tri-County Roofing, Inc., Stanley's Vinyl Fence Designs, and W C Services, Inc. are the Respondents.

APPELLANT BUILDERS MUTUAL INSURANCE COMPANY'S PROOF OF SERVICE OF INITIAL BRIEF, DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL, AND CERTIFICATE OF COUNSEL

I certify that I have served Appellant Builders Mutual Insurance Company's Initial Brief, Designation Of Matter To Be Included In The Record On Appeal, And Certificate Of Counsel by depositing a copy of it in the United States Mail, postage prepaid, on **June 14, 2019** addressed to their attorneys of record, listed as follows:

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