

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No. 2018-CP-10-02152
Appellate Case No. 2019-000562

Six Fifty Six Owners Association, Inc. and Robert John Nutley, individually, and on behalf of all others similarly situated, Respondents,

v.

WCB, LLC; 656 Coleman, LLC; and The Ryland Group, Inc., Defendants

Of which The Ryland Group, Inc. is the Appellant.

**APPELLANT THE RYLAND GROUP, INC.'S DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

RECEIVED

JUL 05 2019

SC Court of Appeals

James Lynn Werner, (SC Bar No. 6029)
Katon E. Dawson, Jr. (SC Bar No. 101167)
Parker Poe Adams & Bernstein LLP
1221 Main Street, Suite 1100
Columbia, SC 29201
(803) 255-8000

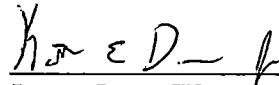
Attorneys for The Ryland Group, Inc.

Appellant The Ryland Group, Inc. (“Ryland”), by and through its undersigned counsel, propose the following be included in the Record on Appeal:

1. Order Denying the Motion to Reconsider, filed March 5, 2019;
2. Consent Order and Joint Stipulation of Dismissal with Prejudice, filed December 27, 2018;
3. Order Denying the Motion to Compel Arbitration, filed October 15, 2018;
4. Order Restoring the Case to the Roster, filed April 23, 2018;
5. Order Denying WCB’s Motion to Compel Arbitration, filed January 3, 2017;
6. Plaintiffs’ Complaint, filed July 5, 2016;
7. Ryland’s Answer to the Complaint, filed October 17, 2016;
8. Ryland’s Amended Answer to the Complaint, Cross-claims and Third-Party claims, filed November 17, 2016;
9. Transcript of the September 21, 2018 Hearing on the Motion to Compel Arbitration;
10. WCB’s Motion to Compel Arbitration, filed September 1, 2016;
11. Ryland’s Motion to Compel Arbitration, filed January 12, 2017 (including Exhibit A (Michael Boyle Affidavit); Exhibit A.1 (Unit 204 Purchase and Sale Agreement); Exhibit A.2 (Master Deed); Exhibit A.3 (First Amendment to the Master Deed); Exhibit A.4 (Unit 204 Deeds); Exhibit A.5 (Assignment of Developers Rights); and Exhibit 6 (Assignment of Developers Rights));
12. Ryland’s Amended Notice and Motion to Stay, Dismiss, and/or Compel Arbitration, filed March 15, 2017;
13. Ryland’s Memorandum in Support of Amended Motion to Stay, Dismiss, and/or Compel Arbitration, filed March 24, 2017 (including Exhibit 2 (Ryland’s Deed for the Property Acquisition); Exhibit 3 (Ryland’s Repairs to Nutley’s Unit); Exhibit 5 (Ryland’s Warranty Repair Work on Common Elements));
14. Consent Motion to Strike the Case, filed April 25, 2017;
15. Ryland’s Second Amended Motion to Stay the Case and Compel Arbitration as to Plaintiffs and Co-Defendants, filed August 3, 2018;
16. Plaintiffs’ Stipulation of Dismissal, without prejudice, filed September 18, 2018;

17. Ryland's Memorandum of Law in Support of Second Amended Motion to Dismiss and to Compel Arbitration as to Plaintiffs and Co-Defendants, filed September 18, 2018 (excluding exhibits);
18. Ryland's Response to Plaintiffs' Attempted Dismissal of their Express Warranty Claims, filed September 20, 2018;
19. Ryland's Response to Plaintiffs' Warranty Arguments Made at the Motions Hearing, filed October 2, 2018;
20. Ryland's Third Amended Notice and Motion to Stay and Compel Arbitration as to Third-Party Defendants, filed October 2, 2018;
21. Ryland's Motion to Reconsider, filed October 26, 2018; and
22. The Ryland Home Warranty (Exhibit H to Plaintiff's Memorandum in Opposition to Ryland's Motion to Compel Arbitration, filed April 25, 2018).

Respectfully submitted,



James Lynn Werner, (SC Bar No. 6029)
Katon E. Dawson, Jr. (SC Bar No. 101167)
Parker Poe Adams & Bernstein LLP
1221 Main Street, Suite 1100
Columbia, SC 29201
(803) 255-8000

Attorneys for The Ryland Group, Inc.

July 5, 2019
Columbia, South Carolina

RECEIVED
JUL 05 2019
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No. 2018-CP-10-02152
Appellate Case No. 2019-000562

Six Fifty Six Owners Association, Inc. and Robert John Nutley, individually, and on behalf of all others similarly situated, Respondents,

v.

WCB, LLC; 656 Coleman, LLC; and The Ryland Group, Inc., Defendants

Of which The Ryland Group, Inc. is the Appellant.

PROOF OF SERVICE

I hereby certify that I have served the **APPELLANT THE RYLAND GROUP, INC.'S INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** on the Respondents by depositing a copy of it in the United States Mail, postage prepaid, on July 5, 2019, addressed to the following:

Justin O'Toole Lucey, Esq.
Joshua F. Evans, Esq.
James L. Floyd, III, Esq.
Collin H. Fuller, Esq.
Justin O'Toole Lucey, PA
PO Box 806
Mount Pleasant, SC 29465

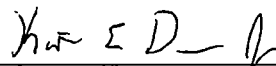
RECEIVED

JUL 05 2019

SC Court of Appeals

July 5, 2019

PPAB 5006339v2



James Lynn Werner, (SC Bar No. 6029)
Katon E. Dawson, Jr. (SC Bar No. 101167)
Parker Poe Adams & Bernstein LLP
1221 Main Street, Suite 1100
Columbia, SC 29201
(803) 255-8000

Attorneys for Appellant The Ryland Group, Inc.



Katon E. Dawson, Jr.
Associate
Telephone: 803.253.6854
Direct Fax: 803.255.8017
katondawson@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC

July 5, 2019

Via Hand Delivery

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

RECEIVED
JUL 05 2019
SC Court of Appeals

Re: *Six Fifty Six Owners v. WCB, LLC*
Appellate Case No. 2019-000562

Dear Mrs. Kitchings:

Enclosed for filing please find an original and one (1) copy of Appellant The Ryland Group, Inc.'s Initial Brief and Designation of Matter to be Included in the Record on Appeal regarding the above-referenced matter.

Please return a filed-stamped copy with our courier. As evidenced by the attached Proof of Service and by copy of this letter, we are providing counsel of record with a copy of same.

With kindest regards,

Sincerely,

Katon E. Dawson, Jr.

KED:bg
Enclosures

cc: Justin O'Toole Lucey, Esq.
Joshua Fletcher Evans, Esq.
James L. Floyd, III, Esq.
Collin H. Fuller, Esq.

PPAB 5006511v1