

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM COURT OF COMMON PLEAS
RICHLAND COUNTY

Case No: 2012-CP-40-06895R

Tymika Jones Alston and Harold Alston individually
And as Parents and Guardians on behalf of their minor child, J.A.,.....

Appellants,
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JUL 22 2019
SC Court of Appeals

v.

Donald Richard Torres d/b/a DMT Construction Co., Inc.,
L&L Electric, Inc. and Eduardo Moreno d/b/a
E.S. Moreno Construction, Defendants,

Of which Donald Richard Torres d/b/a/ DMT
Construction Co., Inc., is theRespondent.

**DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Respondent proposes the following be included in the Record on Appeal:

1. Order for Summary Judgment Related to Individual Claims of Tymika Jones Alston and Harold Alston, filed Nov. 2, 2015;
2. Form 4 Order denying Plaintiffs' Motion for Reconsideration, filed Jan. 15, 2019;
3. Complaint, Docket No. 10-CP-40-04307, filed June 29, 2010;
4. Defendant Willow Creek Construction, Inc.'s Third-Party Complaint, Docket No. 10-CP-40-04307, filed March 31, 2011;
5. Answer to Third Party Complaint, Docket No. 10-CP-40-04307, filed June 27, 2011;
6. Defendant Willow Creek Construction, Inc.'s Amended Third-Party Complaint, filed June 30, 2011;
7. Answer to Amended Third-Party Complaint, Docket No. 10-CP-40-04307, filed July 11, 2011;

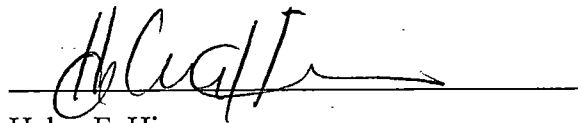
8. Consent Order to Strike Case from the Docket Pursuant to Rule 40(J) SCRPC, Docket No. 10-CP-40-04307, filed Nov. 1, 2011;
9. Order to Restore Case to Active Trial Roster, Docket No. 10-CP-40-04307, filed Oct. 11, 2012;
10. Plaintiffs Motion for Leave to File Amended Complaint Adding Parties, Docket No. 10-CP-40-04307, filed May 22, 2014;
11. Amended Complaint, filed in Docket No. 10-CP-40-04307 but moved to Docket No. 2012-CP-40-6895R, filed Aug. 11, 2014;
12. Acceptance of Service, filed in Docket No. 10-CP-40-04307 but moved to Docket No. 2012-CP-40-6895R, dated Aug. 18, 2014;
13. Answer to Amended Complaint, filed Sept. 4, 2014;
14. Stipulation of Dismissal with Prejudice by Willow Creek Construction, Inc., filed Sept. 29, 2014;
15. Defendant Donald Richard Torres d/b/a DMT Construction Co., Inc.'s Motion for Summary Judgment, filed Jan. 2, 2015, with attachments;
16. Plaintiffs' Memorandum in Opposition to defendant Donald Richard Torres d/b/a DMT Construction Co., Inc.'s Motion for Summary Judgment, filed March 11, 2015;
17. Memorandum in Support of Donald R. Torres d/b/a DMT Construction Co., Inc.'s Motion for Summary Judgment, filed March 18, 2015;
18. Plaintiffs' Supplemental Memorandum in Opposition to defendant Donald Richard Torres d/b/a DMT Construction Co., Inc.'s Motion for Summary Judgment, dated March 26, 2015;
19. Supplemental Memorandum in Support of Donald R. Torres d/b/a DMT Construction Co., Inc.'s Motion for Summary Judgment, dated March 30, 2015, with attachments;
20. Plaintiffs' Motion for Reconsideration of the Court's Decision to Grant Defendant's Motion for Summary Judgment, filed Oct. 22, 2015;
21. Defendant's Response to Plaintiffs' Motion for Reconsideration, filed Nov. 10, 2015;
22. Consent Motion to Stay the Case, filed Nov. 4, 2015;
23. Proposal by CBS Builders, dated Dec. 5, 2008;

24. Pinpoint Home & Commercial Inspections, LLC Summary for Harold & Tymika Alston, dated Feb. 27, 2009;
25. Letter from Southeastern Inspection Services, Inc. to Plaintiffs, dated Aug. 11, 2009;
26. Transcript of Motions Hearing, pp. 9, 10; and
27. Transcript of Deposition of Tymika Jones Alston pp. 64, 83, 153.

I certify that this designation contains no matter that is irrelevant to this appeal.

July 18, 2019

McANGUS GOUDELOCK & COURIE LLC



Helen F. Hiser
S.C. Bar No.: 76124
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

*Attorneys for Respondent Donald Richard Torres d/b/a
DMT Construction Co., Inc.*

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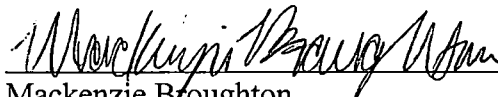
Donald Richard Torres d/b/a DMT Construction Co., Inc.,
L&L Electric, Inc. and Eduardo Moreno d/b/a
E.S. Moreno Construction, Defendants,

Of which Donald Richard Torres d/b/a/ DMT
Construction Co., Inc., is theRespondent.

PROOF OF SERVICE

I certify that on the 18th day of July 2019, I served the **Initial Brief of Respondent** Donald Richard Torres d/b/a DMT Construction Co., Inc., and Respondent's **Designation of Matter to be Included in the Record on Appeal** on Tymika Jones Alston and Harold Alston individually and as Parents and Guardians on behalf of their minor child by depositing a copy of it in the United States Mail, postage prepaid, addressed to their attorney of record:

Donald Gist
Aaron Wallace
Gist Law Firm, PA
P.O. Box 30007
Columbia, South Carolina 29230


Mackenzie Broughton
Legal Assistant to Helen F. Hiser
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*Attorneys for Respondent Donald Richard Torres
d/b/a DMT Construction Co., Inc.*

Reply To

HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

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SC Court of Appeals

Via U.S. Mail

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Tymika Jones Alston and Harold Alston individually and as Parents and Guardians on behalf of their minor child Jayden Alston vs. Donald Richard Torres d/b/a DMT Construction, Co., Inc., L&L Electric Inc. and Eduardo Moreno d/b/a E.S. Moreno Construction
Civil Action No.: 2012-CP-40-06895R (Richland)
Carrier Claim No.: MPI80262
MGC File No.: 20362.11008
Appeal No.: 2019-000148

Dear Ms. Kitchings:

Enclosed for filing please find the following documents:

1. original and one copy of the Initial Brief of Respondents;
2. original and one copy of the Designation of Matter to be Included in the Record on Appeal; and
3. original and one copy of Respondents' Proof of Service concerning items one and two.

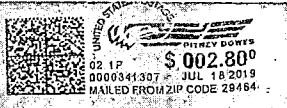
Please file these documents and return the clocked-in copies in the enclosed, self-addressed stamped envelope.

Very truly yours,


Helen F. Hiser

Enclosure

cc: Donald Gist, Esq.
Arron Wallace, Esq.



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DEFENSE

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20362.11008/HFH/mtb
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