

LYLES & ASSOCIATES, LLC
ATTORNEYS AT LAW
www.lylesfirm.com

Robert T. Lyles, Jr.
Member

Reply to: Main Office
E-mail: rtl@lylesfirm.com

March 5, 2020

The Honorable Jenny Abbott Kitchings
The South Carolina Court of Appeals
Post Office Box 11629
1220 Senate Street (29201)
Columbia, SC 29211

RECEIVED
MAR 06 2020
SC Court of Appeals

Re: *Brown Contractors, LLC, et al. vs. Andrew Joseph McMarlin, et al.*
Appellate Case No.: 2019-000513

Dear Ms. Kitchings:

Enclosed please find the original and fifteen (15) bound copies of Respondents/Appellants' Final Brief with Proof of Service for filing in the above-referenced matter.

By copy of this correspondence and as indicated on each Proof of Service, a copy of the enclosed Final Brief has been served on opposing counsel.

Additionally, with regard to the enclosed, there were exhibits missing from the Record on Appeal which have been cited in Respondents/Appellants' Final Brief. Enclosed please find a copy of correspondence to Rob Varnado regarding same.

Thank you for your assistance, and with kindest regards, I am

Very truly yours,

LYLES & ASSOCIATES, LLC

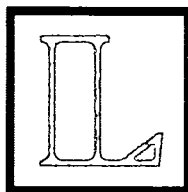
Robert T. Lyles, Jr.

RTL/cw

Enclosure

cc: Robert B. Varnado, Esquire

Telephone 843.577.7730 | Fax: 843.577.7172
Main Office | 1037 Chuck Dawley Boulevard, Suite G-100 | Mt. Pleasant, SC 29464-4162
Greenville Office | 301 Rutherford Street, Suite D | Greenville, SC 29609-5309
Postal Box | P.O. Box 773 | Charleston, SC 29402



LYLES & ASSOCIATES, LLC
ATTORNEYS AT LAW
www.lylesfirm.com

Robert T. Lyles, Jr.
Member

Reply to: Main Office
E-mail: rtl@lylesfirm.com

March 5, 2020

VIA EMAIL & U.S. MAIL

Robert B. Varnado
Brown & Varnado, LLC
P.O. Box 1127
Mt. Pleasant, SC 29465

RECEIVED
MAR 06 2020
SC Court of Appeals

Re: *Brown Contractors, LLC vs. Andrew Joseph McMarlin, et al.*
Appellate Case No.: 2019-000513

Dear Rob:

After reviewing the Record on Appeal, there are a number of missing exhibits which were listed on Respondents/Appellants' Amended Designation of Matter. Specifically, Designation Exhibits 32 through 41 and 58 through 68, which are cited in Respondents/Appellants' Initial Brief and identified in our Amended Designation of Matter as the following:

- 32. Defendants' No. 12 Email from Jay to Amy regarding updated cost control estimate 6/15/2012;
- 33. Defendants' No. 13 Email from Jay to Amy regarding Contract 7/20/2012;
- 34. Defendants' No. 14 Email from Jay to Amy Henry regarding AIA Cost Plus Contract 7/24/2012;
- 35. Defendants' No. 15 Email from Jay to Amy regarding Cost Estimate 8/8/2012;
- 36. Defendants' No. 16 Email from Henry to Amy with forward message from Jay regarding value engineering 8/9/2012;
- 37. Defendants' No. 17 Email from Jay to Henry regarding a revised phase 1 pricing 8/15/2012;
- 38. Defendants' No. 18 Email from Jay to Henry and Amy regarding updated bid per Beau Clowney meeting 8/22/2012;
- 39. Defendants' No. 19 Email from Jay to Henry regarding bid 8/23/2012;
- 40. Defendants' No. 20 Email from Jay to Henry regarding Updated Bid per Beau Clowney meeting 8/23/2012;

Telephone 843.577.7730 | Fax: 843.577.7172
Main Office | 1037 Chuck Dawley Boulevard, Suite G-100 | Mt. Pleasant, SC 29464-4162
Greenville Office | 301 Rutherford Street, Suite D | Greenville, SC 29609-5309
Postal Box | P.O. Box 773 | Charleston, SC 29402

March 5, 2020

Page 2

41. Defendants' No. 21 Email from Henry to Vuong regarding bills 6/13/2013;
- and;
58. Defendants' No. 48 Email from Henry Salzhauer to Jay Brown regarding a fix on construction costs on 2/11/2013;
59. Defendants' No. 49 Email from Vuong Nguyen to Courtney Bishop regarding progress on 2/13/2013 (Salzhauer 2612);
60. Defendants' No. 50 Email from Henry Salzhauer to Deborah Kahn regarding incorporating the cost to complete on 2/15/2013 (Salzhauer 2670-2672);
61. Defendants' No. 51 Email from Debroah Kahn to Henry Salzhauer regarding cost to complete information on 2/19/2013 (Salzhauer 2680-2685);
62. Defendants' No. 52 Email from Henry Salzhauer to Deborah Khan regarding entire job expected cost on 2/19/2013 (Salzhauer 2707-2710);
63. Defendants' No. 53 Email from Henry Salzhauer to Jay Brown regarding one number for what the entire job will cost on 2/19/2013 (Salzhauer 2711);
64. Defendants' No. 54 Email from Henry Salzhauer to Jay Brown regarding finish date for house and total cost for house on 2/22/2013 (Salzhauer 2716-2717);
65. Defendants' No. 55 Email from Henry Salzhauer to Jay Brown regarding finish date previously was March and now it is May on 2/25/2013 (Salzhauer 2722-2723);
66. Defendants' No. 56 Email form Henry Salzhauer to Jay Brown regarding firm schedule on 2/27/2013 (Salzhauer 2736-2738);
67. Defendants' No. 57 Email from Amy Salzhauer to Jay Brown regarding quality of work concerns on 3/2/2013 (Salzhauer 2740);
68. Defendants' No. 58 Email from Henry Salzhauer to Jay Brown regarding billing looking like a Time and Material Basis and schedule of completion by end of the week on 3/12/2013 (Salzhauer 2779-2780).

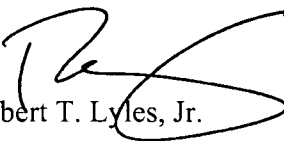
Our office does not have copies of these documents. It is my understanding that all of the original exhibits from the trial are being maintained by the Charleston County Clerk of Court's office.

March 5, 2020
Page 3

With kindest regards, I am

Very truly yours,

LYLES & ASSOCIATES, LLC


Robert T. Lyles, Jr.

RTL/cw
cc: ✓ The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals