

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM Horry COUNTY
William H. Seals, Jr., Circuit Judge

Court of Common Pleas Case No. 2015-CP-26-07275
Appellate Case No. 2019-002001

BEI-BEACH, LLC,

Plaintiff,

v.

MASHBURN CHRISTMAN, LLC;
LEND LEASE (US) CONSTRUCTION
INC., f/k/a Bovis Lend Lease, Inc.; and
MCRORY CONSTRUCTION COMPANY
LLC.,

Defendants,

Of whom

LEND LEASE (US) CONSTRUCTION
INC., f/k/a Bovis Lend Lease, Inc. is the

Appellant,

v.

SPANN ROOFING & SHEET METAL, INC.,
TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERCIA,
STRICKLAND WATERPROOFING COMPANY,
EVEREST REINSURANCE COMPANY,
WALLCRAFT CONSTRUCTION, INC., OLD
REPUBLIC INSURANCE COMPANY,
MADISON CONSTRUCTION GROUP, INC.,
WORTHINGTON INTEGRATED BUILDING
SYSTEMS, McDOWELL COMMERCIAL
CONSTRUCTION, LLC, JOLLAY MASONRY,
NATIONAL FIRE INSURANCE COMPANY
OF HARTFORD, R.J. KENNEY ASSOCIATES,
INC., ANTUNOVICH ASSOCIATES, TG
CONSTRUCTION, LLC, LUIS BANEGAS d/b/a
LUIS TRIM WORK, NORA DEL CARMEN

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SC Court of Appeals

LAGOS, NORA DEL CARMEN LAGOS d/b/a
LUIS TRIM WORK, and OVATION CUSTOM
TRIM, LLC.

Third-Party Defendants,

Of whom

ANTONOVICH ASSOCIATES is the

Respondent.

**APPELLANT'S DESIGNATION OF MATTER
TO BE INCLUDED IN RECORD ON APPEAL**

Appellant designates the following be included in the Record on Appeal:

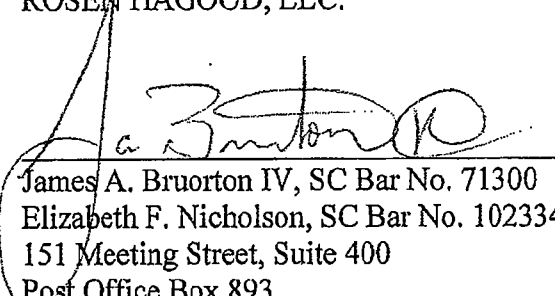
1. Plaintiff's Summons and Complaint filed October 2, 2015;
2. Lend Lease (US) Construction, Inc.'s Answer to Complaint filed April 4, 2016;
3. Plaintiff's Amended Complaint filed April 7, 2017;
4. Lend Lease (US) Construction, Inc.'s Answer to Plaintiff's Amended Complaint and Lend Lease's Third Party Complaint filed April 24, 2017;
5. Affidavit of Richard H. Moore, P.E. filed April 24, 2017;
6. Third-Party Defendant Antunovich Associates, Inc.'s Motion for Partial Summary Judgment as to Lend Lease (US) Construction, Inc.'s First Cause of Action for Contribution; Fifth Cause of Action for Negligence/Gross Negligence/Recklessness and Eighth Cause of Action for Breach of Warranty of Plans and Specifications, filed October 19, 2017;
7. Plaintiff's Consent Motion to Amend Complaint filed June 26, 2019;
8. Affidavit of Scott A. Harvey, AIA, RWC filed June 26, 2019
9. Antunovich Associates, Inc.'s Initial Memorandum in Opposition to Plaintiff's Motion to Amend Complaint filed June 27, 2019;

10. Antunovich Associates, Inc.'s Brief in Support of Motion for Partial Summary Judgment filed October 1, 2019;
11. Antunovich Associates, Inc.'s Supplemental Brief in Opposition to Plaintiff's Motion to Amend Complaint filed October 25, 2019;
12. Lend Lease (US) Construction, Inc.'s Memo in Opposition to Antunovich Associates, Inc.'s Motion for Partial Summary Judgment filed October 28, 2019;
13. Antunovich Associates, Inc.'s Reply Brief in Support of Partial Summary Judgment filed October 29, 2019;
14. Transcript of Hearing from hearing dated October 30, 2019;
15. Email from Judge Seals with rulings on hearing dated November 4, 2019;
16. Order Granting Third-Party Defendant Antunovich Associates, Inc.'s Motion for Partial Summary Judgment as to Lend Lease (US) Construction, Inc.'s First Cause of action for Contribution, Fifth Cause of Action for Negligence/Gross Negligence/Recklessness and Eighth Cause of Action for Breach of Warranty of Plans and Specifications filed November 21, 2019;
17. Lend Lease (US) Construction, Inc.'s Answer to Plaintiff's Amended Complaint, Counterclaim and Third Party Complaint filed November 25, 2019;
18. Lend Lease (US) Construction, Inc.'s Motion to Reconsider Pursuant to SCRCP 59(e) filed November 26, 2019;
19. Antunovich Associates, Inc.'s Answer to Lend Lease's Amended Third Party Complaint filed November 27, 2019;
20. Email from Judge Seals with ruling on Motion to Reconsider dated December 3, 2019;

21. Order Denying Motion for Reconsideration dated January 6, 2020.

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

ROSEN HAGOOD, LLC.



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ATTORNEYS FOR APPELLANT

March 27, 2020

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
William H. Seals, Jr., Circuit Judge

Court of Common Pleas Case No. 2015-CP-26-07275
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LLC.,

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Of whom

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Appellant/
Third-Party Plaintiff,

v.

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TRAVELERS CASUALTY AND SURETY
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EVEREST REINSURANCE COMPANY,
WALLCRAFT CONSTRUCTION, INC., OLD
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WORTHINGTON INTEGRATED BUILDING
SYSTEMS, McDOWELL COMMERCIAL
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NATIONAL FIRE INSURANCE COMPANY
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LUIS TRIM WORK, NORA DEL CARMEN LAGOS, NORA DEL CARMEN LAGOS d/b/a LUIS TRIM WORK, and OVATION CUSTOM TRIM, LLC.

Third-Party Defendants,

Of whom

ANTONOVICH ASSOCIATES is the

Respondent.

PROOF OF SERVICE

I certify that I have served a copy of Appellant's Designation of Matter to be Included in Record on Appeal on the Respondents by mailing a copy to their attorneys of record on March 27, 2020, via first-class mail, postage prepaid, and addressed as follows:

<p>Michael B.T. Wilkes, Esquire Wilkes Law Firm, PA 127 Dunbar Street, Suite 200 Spartanburg, SC 29306 mwilkes@wilkeslaw.com Attorneys for Antunovich Associates, Inc.</p>	<p>James A. Joyner, Esquire Wilkes Law Firm, PA 200 Meeting Street, Suite 205 Charleston, SC 29401 ajoyner@wilkeslaw.com Attorneys for Antunovich Associates, Inc.</p>
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&

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March 27, 2020

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843-266-8119

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VIA FACSIMILE PER SUPREME CT ORDER

Honorable V. Claire Allen
Chief Deputy Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: BEI-Beach, LLC v. Mashburn Christman, LLC, et al.
Appellate Case No. 2019-002001

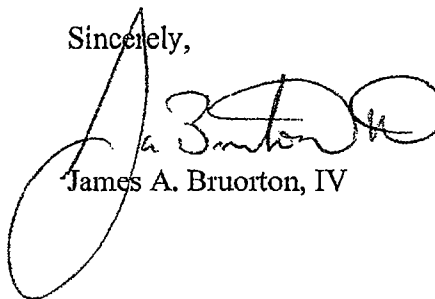
Dear Ms. Allen:

Enclosed please find Appellant's Initial Brief, Designation of Matter to be Included in the Record on Appeal and Proofs of Service for each. We would appreciate your filing the original and returning "filed" copies to us.

By copy of this letter, we are serving the enclosed on counsel for Respondent.

With kindest regards, I am

Sincerely,



James A. Bruorton, IV

CAB/see
Enclosures

Cc: Michael B.T. Wilkes, Esquire
Alex Joyner, Esquire

FAX COVER SHEET

To: SC Court of Appeals

From: Chip Bruorton

Company: _____

Company: Rosen Hagood, LLC

Fax: 803-734-1839

Phone: 843-266-8119

Date: 3/27/2020

Pages w/cover: 32

Subject:

Initial Brief and Designation of

Comments:

Filing via facsimile per Supreme Court Order of 3/20/2020 in Appellate Case no. 2020-000447

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SC Court of Appeals

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