

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

May 12 2020

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

SC Court of Appeals

Appellate Case No. 2019-002001
Trial Court Case No. 2015-CP-26-07275

BEI-Beach, LLC, Plaintiff,

v.

Mashburn Christman, JV, Lend Lease (US)
Construction, Inc., f/k/a Bovis Lend Lease, Inc., and
McCroly Construction Company, LLC, Defendants,

Mashburn Christman, JV, Third-Party Plaintiff,

v.

Wallcraft Construction, Inc.; Alpha Insulation &
Waterproofing, Inc.; Baker Roofing, Inc.; Collins &
Wright, Inc.; Liberty Mutual Insurance Company;
Old Republic Surety Company; Hartford Fire
Insurance Co.; Travelers Casualty and Surety
Company of America; The Muhler Company, Inc.,
and Companion Property and Casualty Insurance
Company, Third-Party Defendants,

Lend Lease (US) Construction, Inc., f/k/a Bovis
Lend Lease, Inc., Third-Party Plaintiff,

v.

Spann Roofing & Sheet Metal, Inc.; Travelers
Casualty and Surety Company of America;
Strickland Waterproofing Company; Merchants
Bonding 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 Trim Work; Nora Del Carmen Laos, Nora Del Carmon Lagos d/b/a Luis Trim Work; and Ovation Custom Trim, LLC,Third-Party Defendants,

McCrary Construction Company, LLC,Third-Party Plaintiff,

v.

Collins & Wright; Baker Roofing; Glasstech Inc.; Palmetto State Roofing and Sheet Metal; Strickland Waterproofing; Maiday, Inc.; and Atlas Drywall & Acoustics, Inc., Third Party Defendants,

Spann Roofing & Sheet Metal, Inc., Fourth-Party Plaintiff,

v.

Coastal Commercial Roofing Co., Inc., and Daniel Kniffen d/b/a East Coast Improvements, Fourth-Party Defendants,

Wallcraft Construction, Inc., Fourth-Party Plaintiff,

v.

Vienamin Petresku d/b/a BT Construction, LLC, Fourth-Party Defendant,

of which Lend Lease (US) Construction Inc., f/k/a Bovis Lend Lease, Inc., is theAppellant,

and

Antunovich Associates, Inc., is theRespondent.

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

Pursuant to South Carolina Code Section 62-1-308(d) and Rule 209, SCACR, Respondent Antunovich Associates, Inc. (improperly identified as Antunovich Associates) (“Respondent”) hereby designates the following material for inclusion in the Record on Appeal:

1. Pages 1-4, 7-19, and 45 of the Transcript of Record dated October 30, 2019;
2. BEI-Beach, LLC’s Complaint dated October 2, 2015;
3. BEI-Beach, LLC’s Amended Complaint dated April 7, 2017;
4. Appellant’s Answer to Amended Complaint and Amended Third-Party Complaint dated April 24, 2017, including exhibit;
5. Respondent’s Motion for Partial Summary Judgment as to Appellant’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 dated October 19, 2017;
6. Respondent’s Brief in Support of Motion for Partial Summary Judgment dated October 1, 2019, including exhibits;
7. Appellant’s Brief in Opposition to Respondent’s Motion for Partial Summary Judgment dated October 28, 2019;
8. Respondent’s Reply Brief in Support of Motion for Partial Summary Judgment dated October 29, 2019;
9. Appellant’s Motion for Reconsideration dated November 26, 2019;
10. Consent Order Resolving Respondent’s Motion to Dismiss dated September 25, 2017;
11. Email from Judge Seals regarding rulings on various motions dated November 4, 2019;
12. Order Granting Respondent’s Motion for Partial Summary Judgment as to Appellant’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 dated November 21, 2019;

13. Email from Judge Seals notifying parties of intent to deny Appellant's Motion for Reconsideration dated December 3, 2019; and

14. Order Denying Appellant's Motion for Reconsideration dated January 6, 2020.

Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that this designation contains no matter which is irrelevant to the appeal.

May 12, 2020

s/ J. Alexander Joyner

Michael B.T. Wilkes (S.C. Bar 6107)

J. Alexander Joyner (S.C. Bar 101771)

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Attorneys for Respondent

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of which Lend Lease (US) Construction Inc., f/k/a Bovis Lend Lease, Inc., is theAppellant,

and

Antunovich Associates, Inc., is theRespondent.

PROOF OF SERVICE

I certify that I have served a copy of *Respondent’s Initial Brief* and *Designation of Matter to be Included in Record on Appeal* on the following counsel of record by depositing a copy of it in the United States Mail, postage prepaid, on **May 12, 2020**.

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May 12, 2020

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