

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Mikell R. Scarborough

Case No. 2018-CP-10-00749

Appellate Case No. 2019-002044

RECEIVED

Jun 25 2020

SC Court of Appeals

CAHOC 8, LLC.....Respondent,

v.

King and Calhoun, LLC a/k/a King and Calhoun, LLC a/k/a K&C, LLC,
Curtis Corp., and Werner Real Estate Holdings, LLC.,Appellants.

APPELLANTS' DESIGNATION OF
MATTERS TO BE INCLUDED IN THE
RECORD ON APPEAL

The Appellant proposes the following items to be included in the Record on Appeal:

ORDERS

1. Form 4 Order Denying Motions for Summary Judgment but Granting Breach of Contract, February 8, 2019.
2. Form 4 Order Confirming Trial Date, November 4, 2019.
3. Scheduling Order, June 13, 2019.
4. Consent Order of Reference, March 14, 2019.
5. Stipulation of Dismissal as to Thalhimer Charleston, LLC, March 8, 2018.
6. Consent Scheduling and Discovery Order July 6, 2018.

MOTIONS

1. Defendants' Memorandum in Support of Motion for Summary Judgment, December 5, 2019.
2. Plaintiff's Memorandum in Support of Motion for Summary Judgment December 5, 2019.
3. Plaintiff's Second Motion for Summary Judgment, November 25, 2019.
4. Defendants' Motion for Summary Judgment, November 25, 2019.
5. Plaintiff's Motion for Summary Judgment, November 15, 2019.

PLEADINGS

1. Notice of Appeal, December 18, 2019.
2. Joint Stipulation, November 25, 2019.
3. Plaintiff's Reply to Counterclaim, May 9, 2018.
4. Defendants' Summons, Answer and Counterclaim, April 26, 2018.
5. Amended Summons and Complaint, March 29, 2018.
6. Summons and Complaint, February 12, 2018.

TRANSCRIPTS

1. Transcript of Hearing held December 6, 2019.
2. Deposition of Trent Watts, November 21, 2019.
3. Deposition of Christopher Patrick Sullivan, November 3, 2019.
4. Deposition of Trent Watts, April 24, 2019.
5. Deposition of Jessica King, April 17, 2019.
6. Deposition of Stacy Miller, November 19, 2018.

EXHIBITS

1. Lease Agreement, November 21, 2013.
2. Change Order, November 11, 2014.
3. Schindler Elevator Maintenance Reports with photos, February 2016-2018.
4. Charleston Fire Department Incident Reports July 4, 2015 through September 9, 2016.
5. Chris Sullivan Text Messages October 20, 2015 through February 14, 2016.
6. Robert Richmond to from Hunter Lott emails re: kitchen exhaust issues March 4, 2016.
7. Elevator/Escalator Maintenance/Repairs Contract March 7, 2016.
8. Linden Tile Proposal March 16, 2016.
9. Schindler Elevator Upgrade Order Agreement March 23, 2016.
10. Thalhimer Memorandum re: Repairs for Co-Approval June 28, 2016.
11. Thalhimer Memorandum re: Elevator Procedures and Protocol August 10, 2016.
12. SCLLR Elevator Report of Inspection September 19, 2016.
13. Thalhimer to Carolina Ale House re: elevator invoices October 17, 2016.

14. Frank Robinson to King and Calhoun re sublease and space November 1, 2016.
15. Thalhimer to CAHOC 8 re sales reports November 29, 2016.
16. SCLLR Elevator Report of Inspection May 2, 2017.
17. SCLLR Abatement Form re: elevator inspection violations May 2, 2017.
18. Thalhimer Notice to Carolina Ale House re: Fire Alarm/Correction Needed May 4, 2017.
19. Schindler Elevator Maintenance Addendum August 1, 2017.
20. SCLLR Elevator Report of Inspection September 19, 2017.
21. Frank Robinson to Gray Taylor re: lease October 4, 2017.
22. Frank Robinson to Gray Taylor re: lease November 16, 2017.
23. Thalhimer to CAHOC 8 re official delinquency notice December 6, 2017.
24. Lucey Justin to Gray Taylor re lease January 11, 2018.
25. Lucey Justin from GH0III re demand letter response February 1, 2018.
26. Thalhimer to CAHOC 8 re returned check February 7, 2018.
27. Amended Summons and Complaint March 29, 2018.
28. Thalhimer Invoice re: elevator service calls July 2, 2018.
29. Thalhimer Account Statement September 4, 2018.
30. Schindler Elevator Service Operations Work Report October 9, 2018.
31. Photos of atrium and CAHOC space May 13, 2019.
32. Kari Whitwood to from Gabriel Bower email with office lease violation notice June 20, 2019.
33. Photos of piled trash in elevators and broken screw to controller unit September 11, 2019.
34. Damages with back up documents.
35. Schindler Elevator Invoice re: power failure, September 19, 2019.
36. Schindler Elevator Invoice re: button lock and trash can, October 8, 2019.
37. Elevator and trash pictures. December 31, 2019.
38. Tenant Lease Areas.
39. Shutdown Email strings.
40. Delays Email strings.
41. COP 59 Email strings.
42. Lobby expansion, Sola Salon and Sub Lease documents.

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

Mt. Pleasant, South Carolina
June 25, 2020

Respectfully submitted



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PROOF OF SERVICE

I certify that I have served the Appellants' Initial Brief and Designation of Matter by depositing a copy of same on June 25, 2020, via South Carolina Court of Appeals E Filing address ctappfilings@sccourts.org and via Electronic Mail delivery addressed to Justin O'Toole Lucey, Esquire, jlucey@lucey-law.com and Lauren Milton, Esquire, lmilton@lucey-law.com and a hard copy of same sent via U.S. Mail addressed to Justine O'Toole Lucey, Esquire and Lauren Milton, Esquire at Justin O'Toole Lucey, P.A., 415 Mill Street, Mount Pleasant, SC 29464.

Mt. Pleasant, South Carolina
June 25, 2020


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June 25, 2020

VIA ELECTRONIC MAIL: ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29211

RECEIVED
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SC Court of Appeals

*Re: CAHOC 8, LLC v King and Calhoun LLC et al.,
C/A No. 2018-CP-10-00749
Appellate Case No.: 2019-002044
BBT File No. 1240.0004*

Dear Ms. Kitchings:

Enclosed please for filing please find the Appellants' Initial Brief and Designation of Matter along with the Proof of Service in the above-referenced matter.

Kindly file the originals and email the file-stamped copies to me at your convenience. By copy of this letter, I am serving same upon all counsel. Should you have any questions, please feel free to contact me.

With kindest regards, I remain

Yours very truly,

A handwritten signature in blue ink, appearing to read 'G. Hamlin O'Kelley, III'.

G. Hamlin O'Kelley, III

GHOIII/act
Enclosures

Cc: (w/ Encl. via Electronic Mail and US Mail)
Justin O'Toole Lucey, Esquire
Lauren Milton, Esquire