

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

Appeal from Charleston County  
Court of Common Pleas  
Jennifer B. McCoy, Circuit Court Judge

Case No. 2015-CP-10-00955  
Appellate Case No. 2019-001520

**RECEIVED**  
**Jun 25 2020**  
**SC Court of Appeals**

Palmetto Pointe at Peas Island Condominium Property  
Owners Association, Inc., and Jack Love, individually, and on  
behalf of all others similarly situated,

Appellants,

v.

Island Pointe, LLC, Complete Building Corporation, Tri-  
County Roofing, Inc., WC Services, Inc., Miracle Siding,  
LLC and Wilson Lucas Sales d/b/a Miracle Siding, LLC,  
Eloy Alonzo Vasquez, JMC Construction, Inc., and JMC  
Construction, LLC,

Defendants,

Of whom JMC Construction, Inc., JMC Construction, LLC,  
and WC Services, Inc. are the

Respondents.

**APPELLANTS' DESIGNATION OF MATTER**

Justin O. Lucey (SC Bar No. 15438)  
Joshua F. Evans (SC Bar No. 77448)  
Stephanie Drawdy (SC Bar No. 70205)  
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*Attorneys for Appellants*

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*Attorneys for Appellants*

Appellants, Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc., and Jack Love, individually, and on behalf of all others similarly situated, designate the following matter to be included in the Record on Appeal, including, unless expressly stated otherwise, any/all attachments thereto (e.g., exhibits to motions or memoranda), except insofar as their inclusion in the record would be duplicative:

### **Orders, Judgments, Verdict Form**

1. Verdict Form, dated May 16, 2019;
2. Judgment (Form 4), filed May 16, 2019;
3. Order Denying Plaintiffs' Motion for JNOV/new trial, filed July 15, 2019;
4. Order Denying Plaintiffs' Motion to Reconsider Denial of Motion for JNOV/new trial, filed August 6, 2019;

### **Pleadings**

5. Summons and Complaint, filed February 13, 2015;
6. Second Amended Complaint, filed November 2, 2017;

### **Transcripts**

7. Trial Transcript (Week 1), pp.:
  - 1–10 [Cover Page and Index],
  - 189 [Re: Owners' Claim Assignments to the POA],
  - 204–207 [WCS Opening], and
  - 473–538 [All of D. Smits];
8. Trial Transcript (Week 2), pp.:
  - 1–7 [Cover Page and Index],

- 74–78 [Portion of A. Schweickhardt],
- 438–545 [All of C. Christopher, C. Constantine, and M. Lazo],
- 600–614 [Plaintiffs’ Motion for Directed Verdict as to Liability],
- 764–776 [WCS Closing],
- 669–827 [Charge Conference, Charge, and Objections], and
- 836–863 [Verdict to End];

## **Trial Exhibits**

9. Plaintiffs’ Exhibits:
  - 5A [Island Point/CBC Contract],
  - 111 [Plans (Sheet No. P101)],
  - 141 [Folly Beach Code § 90.08]
  - 203 [WCS/CBC Contract],
  - 679 [Hall Letter of 3/6/06],
  - 705 [WCS Fire Sprinkler Drawing],
  - 751 [IRC R106 Construction Documents],
  - 764 [NFPA 13D Sprinkler Standards],
  - 789 [Certificates of Occupancy],
  - 961 [Assignments (Redacted Fee Agreements)], and
  - 1044 [Folly Beach Ordinance 87-16];

## **Other Material**

10. Plaintiffs’ Proposed Jury Charges No. 38 and 39, with transmittal email of May 13, 2019, to presiding judge;
11. Plaintiffs’ Motion for a New Trial Against WCS, filed May 28, 2019;
12. WCS’s Return to Plaintiffs’ Motion for a New Trial, filed June 4, 2019;
13. Plaintiffs’ Reply to WCS’s Return to Motion for a New Trial, dated June 7, 2019, with transmittal email of same date to presiding judge;
14. Plaintiffs’ Motion to Reconsider Denial of Motion for JNOV/new trial, filed July 25, 2019;
15. WCS’s Memo in Opposition to Plaintiffs’ Motion to Reconsider Denial of Motion for JNOV/new trial, filed August 1, 2019; and

16. Plaintiffs' Notice of Appeal, served September 6, 2019.

Appellants' counsel certifies that this Designation contains no matter that is irrelevant to this appeal.

Respectfully submitted,

By: /s/ Justin O'Toole Lucey  
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Joshua F. Evans (SC Bar No. 77448)  
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*and*

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*Attorneys for Appellants*

Dated: June 25, 2020

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**PROOF OF SERVICE**

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*Attorneys for Appellants*

I, Justin O'Toole Lucey, counsel for Appellants, Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc., and Jack Love, individually, and on behalf of all others similarly situated, certify that the **APPELLANTS' DESIGNATION OF MATTER** was served on all other parties to this appeal on June 25, 2020, via email and by copy thereof deposited in the U.S. Mail properly posted for delivery to the following addressees:

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Respectfully submitted,

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Dated: June 25, 2020  
Mt. Pleasant, South Carolina