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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Hon. Deadra L. Jefferson, Circuit Court Judge

Case No. 2016-CP-10-2955

Appellate Case No. 2020-000875

TCC of Charleston, Inc., Respondent,

v.

Concord and Cumberland, LLC, Concord & Cumberland HPR, Leo Hall, Diane Hall, Bea H. Smith, Margaret C. Pope, William D. Foster, Jr., Gene G. Foster, Mattison J. MacGillivray, Teresa MacGillivray, Pamela L. Vaughn, Nelia A. Patricio, Trustee of the Nelia A. Patricio Revocable Trust Agreement, Stuart D. Reeves, Edward T. Strom, Barbara K. Henderson, James R. Clarke, Paul A. Brim, Robert K. Seidl, Jennifer M. Seidl, Robert Kenneth Seidl, II, M. Bert Storey, Thomas R. Mather, Edward T. Strom, 304 Concord & Cumberland, LLC, Marion M. Simpson f/k/a Marion Moore McDonald Simpson, Kathy Gardner, Gregory J. Gardner, Freeman Waterfront Properties, LLC, Jo-Ann Cooper, Betty Y. Segal, Robert M. Levin, and Bonita K. Levin, Donald D. Leonard, Betty L. Beatty, Mattellen, LLC, and Thomas R. Debnam, Trustee of the Trust Agreement of Thomas R. Debnam, Defendants,

Of Which Concord & Cumberland HPR is the Appellant.

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

Concord & Cumberland HPR proposes the following materials be included in the record on appeal:

Orders

1. Order Staying Case (January 3, 2017)

2. Order of Motion to Lift Stay and Motions to Vacate or Correct Arbitration Award, and Form 4 (January 30, 2020)
3. Order on Concord & Cumberland HPR's Motion to Alter/Amend (May 1, 2020)

Pleadings

4. Summons and Complaint (June 6, 2016)
5. Amended Summons and Complaint (June 10, 2016)
6. Answer of Concord & Cumberland HPR to Plaintiff's Amended Complaint (Foreclosure) (October 31, 2016)

Motions and Related Filings

7. Motion to Stay & Compel Arbitration (June 6, 2016)
8. Plaintiff's Motion to Lift Stay (June 17, 2019)
9. Concord and Cumberland HPR's Motion to Vacate the Arbitration Award or, Alternatively, to Modify or Correct the Arbitration Award (July 16, 2019), and accompanying exhibits:
 - Pay Application 18, Revised (October 17, 2016)
 - Arbitration Agreement (January 18, 2017)
 - Panel Order No. 1: Preliminary Scheduling Order (April 19, 2017)
 - Email Serving Arbitration Award and Arbitration Award (April 17, 2019)
 - Post Award Order (July 12, 2019)
 - Concord & Cumberland HPR's Motion for Change of Award (July 15, 2019), and accompanying exhibits (duplicates removed):
 - PCO 143 for Additional Scaffolding/Equipment from May

28, 2015 through March 8, 2016 (August 4, 2017)

- Conditional Release and Waiver of Lien (February 8, 2016)
- Payment Transaction Ledger
- Excerpt from TCC's Proposed Order
- Pay Application 17 (February 8, 2016)

10. Concord and Cumberland HPR's Motion to Vacate the Corrected Arbitration Award or, Alternatively, to Modify or Correct the Corrected Arbitration Award (November 18, 2019), and accompanying exhibits:

- Email Serving Corrected Arbitration Award and Corrected Arbitration Award (August 19, 2019)

11. Concord & Cumberland HPR's Motion to Reconsider, Alter, or Amend the Court's Order on Motion to Lift Stay and Motions to Vacate or Correct Arbitration Award (February 10, 2020), and accompanying exhibits:

- Order Vacating Arbitration Award and Remanding for Further Action (Proposed by Concord & Cumberland HPR)
- Proposed Order on Motion to Lift Stay and Motions to Vacate or Correct Arbitration Award (Proposed by TCC of Charleston, Inc.)

12. Concord & Cumberland HPR's Reply to TCC of Charleston, Inc.'s Memorandum in Opposition of the Motion to Reconsider, Alter, or Amend the Court's Order (April 22, 2020), and accompanying exhibits (duplicates removed):

- Email Reflecting Agreement to Agree (June 26, 2016)
- Change Order Logs (February 16, 2016, February 25, 2016, March 9, 2016)

- Pay Application 18 (March 25, 2016)

Transcripts

13. Hearing Transcript (December 16, 2019)

14. Hearing Transcript (May 28, 2020)

Other Materials

15. Concord & Cumberland HPR's Memorandum of Law: (1) In Opposition to Motion to Lift Stay, (2) In support of Motion to Vacate or Correct the "Corrected Arbitration Award" and (3) In Support of Motion for Summary Judgment (December 11, 2019), and accompanying exhibits (duplicates removed):

- Change Order 10 (October 17, 2016)
- PCO 139 – Final Change Order (October 17, 2016)
- Total Cost Ledger
- Concord & Cumberland HPR's Motion for Change of Corrected Arbitration Award (September 7, 2019)
- Order on HPR Motion for Change of Corrected Arbitration Award (October 23, 2019)
- TCC of Charleston's Return to Concord & Cumberland HPR's Motion for Change of Award (July 17, 2019)
- Deposition Transcript of John D. Griffith (November 14, 2018)
 - AIA Document A102-2007, Standard Form Agreement, and AIA Document A201-2007, General Conditions (February 27, 2014)
- Excerpt from TCC's Trial Brief

The undersigned certifies that the above designation contains no matter that is irrelevant to this appeal.

Respectfully submitted this 1st day of July, 2020.

A handwritten signature in blue ink, appearing to read "Cordes Ford".

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