

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

Aug 26 2020

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

SC Court of Appeals

The Honorable Jennifer B. McCoy, Circuit Court Judge

Case No. 2015-CP-10-00955
Appellate Case No. 2019-001790

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

v.

Island Pointe, LLC; Leonard T. Brown; Complete Building Corporation; Tri-County Roofing, Inc.; Creekside, Inc.; American Residential Services, LLC d/b/a Rescue Rooter Charleston; Andersen Windows, Inc.; Atlantic Building Construction Services, Inc. n/k/a Atlantic Construction Services, Inc.; Christopher N. Union; Builder Services Group, Inc. d/b/a Gale Contractor Services; Novus Architects, Inc. f/k/a SGM Architects, Inc.; Tallent and Sons, Inc.; W C Services, Inc., CRG Engineering, Inc.; CertainTeed Corporation; Kelly Flooring Products, Inc. d/b/a Carpet Baggers and John Doe 1-60, Defendants,

Of which Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. and Jack Love, Individually, and on behalf of all others similarly situated are the Respondents.

and

Tri-County Roofing, Inc.,Appellant.

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

Justin O'Toole Lucey, Esquire
(SC Bar No.: 15438)
Anna McCann, Esquire
(SC Bar No.: 102314)
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Attorneys for Respondents

Respondents 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

1. Order enrolling jury verdict;
2. July 23, 2019, Form 4 Order Denying Defendant Tri-County Roofing, Inc.'s Motions for Judgment Not Withstanding the Verdict, New Trial Absolute, and New Trial Nisi Remittitur;
3. September 25, 2019, Order Denying Tri-County Roofing, Inc.'s Motion to Reconsider;

MOTIONS AND MEMORANDUMS

4. May 3, 2019, Tri-County Roofing, Inc.'s Motions in Limine;
5. May 28, 2019, Tri-County Roofing, Inc.'s Post-Trial Motions Following the Trial on May 6-16, 2019;
6. June 7, 2019, Plaintiffs' Memorandum in Opposition to Defendant Tri-County Roofing's Post-Trial Motions Following the Trial on May 6-16, 2019;
7. August 5, 2019, Tri-County Roofing, Inc.'s Rule 59(e), SCRCF Motion to Reconsider the Form 4 Order Filed July 23, 2019;
8. August 15, 2019, Plaintiffs' Memorandum in Opposition to Defendant Tri-County Roofing's Motion to Reconsider the Court's Final Order with Exhibit "A" (Settlement Amounts);

PLEADINGS

9. February 13, 2015, Summons and Complaint;
10. November 4, 2016, Amended Summons and Amended Complaint with Exhibit "C" at page 3 (Affidavit of David M. Vandommelen, A.I.A.);
11. November 2, 2017, Second Amended Summons and Second Amended Complaint;

TRANSCRIPTS

12. May 6, 2019, through May 16, 2019 Trial Transcript – Week One Transcript Pages 107-116, 220-310, 325, 382, 394, 397, 445, 448-452, 555, 585-641, 663-664;

13. May 6, 2019, through May 16, 2019 Trial Transcript – Week Two Transcript Pages 78-105, 116-9, 158-196, 203-212, 261-262, 376-377, 425, 669-764, 826, 836-860;

14. June 7, 2019, Post-Trial Motion Hearing Transcript;

EXHIBITS

Plaintiffs' Exhibits:

15. Exhibit 9 – April 17, 2006, CBC & Tri-County Subcontract;

16. Exhibit 340 – November 4, 2005, Project Manual;

17. Exhibit 583 – 1997 A201-1997 AIA Gen Conditions;

18. Exhibit 613 – Charges for Defective Workmanship

19. Exhibit 619 – Construction Set Plans

20. Exhibit 677 – December 2017 Handegan Estimate;

21. Exhibit 931 – February 13, 2019, Watkins Preliminary Draft Estimate;

22. Exhibits 962-997 – Mease Photographs

23. Exhibits 1040-1043 – Mease Photographs

24. Exhibit 1045-1049 – May 8, 2019, Handegan New Estimate;

MISCELLANEOUS

25. Court 5 – Handegan New Estimate;

26. CBC Settlements;

27. July 12, 2018, Cohen Drywall Company, Inc.'s Settlement;

28. Novus Owner Architect Agreement;

29. May 3, 2019, Joint Voir Dire;

30. May 5, 2019, Plaintiffs' Pretrial Brief;

31. May 16, 2019, Verdict Form;

32. June 10, 2019, Email from Jennifer Zambriczki to Judge McCoy's Clerk Serving Settlement and Release Chart;

33. August 15, 2019, Email from Laura Knight to J. McCoy's Clerk Serving Plaintiffs' Memorandum in Opposition to Motion to Reconsider;
34. October 14, 2019, Tri-County Roofing, Inc.'s Notice of Appeal.

Respondents' counsel certify that this Designation contains no matter that is irrelevant to this appeal.

Respectfully submitted,

By: /s/Justin O'Toole Lucey
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Anna McCann (Bar No. 102314)
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Of which Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc. and Jack Love, Individually, and on behalf of all others similarly situated are the Respondents.

and

Tri-County Roofing, Inc.,Appellant.

PROOF OF SERVICE

I, Justin O’Toole Lucey, counsel for Respondents certify that the **RESPONDENTS’ DESIGNATION OF MATTER** was served on all other parties to this appeal on August 26, 2020, via email and by copy thereof deposited in the U.S. Mail properly posted for delivery to Andrew N. Cole, Esq., Collins & Lacy, P.C., Post Office Box 12487, Columbia, SC 29211.

Respectfully submitted,

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