

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Benjamin H. Culbertson

Case No. 2017-CP-26-000273

RECEIVED
Aug 31 2020
SC Court of Appeals

Carolina Cool, Inc.,.....Plaintiff,

v.

Garrard Construction Group, Inc., Dave & Buster’s of South Carolina, Inc.,
Broadway at the Beach, Inc., and Billys Plumbing Company LLCDefendants,

Garrard Construction Group, Inc.,.....Third-Party Plaintiff,

v.

RLI Insurance Company,Third-Party Defendant.

Of Which Carolina Cool, Inc. is theRespondent,

and

Garrard Construction Group, Inc. is the Appellant.

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

Respondent Carolina Cool, Inc. proposed the following matter to be included in the Record
on Appeal:

Notice of Appeal, February 14, 2020.

Form 4 Order, February 10, 2020.

Order, January 27, 2020 and Exhibits thereto:

1. Garrard-Broadway Fixed Price Shell Contract, September 1, 2016. Exhibit 1
2. Garrard-Dave & Buster's Cost-Plus Contract, October 25, 2016. Exhibit 2.
3. Carolina Cool Shell Subcontract, October 19, 2016. Exhibit 3.
4. Change Order to Carolina Cool Shell Subcontract, November 22, 2016. Exhibit 4.
5. Carolina Cool Interior Subcontract, November 18, 2016. Exhibit 5
6. Plaintiff's Initial Discovery Requests, Exhibit 6.
7. Defendants' Answers Responses Exhibit 7.
8. Billys Plumbing Interior Subcontract dated 2-3-17, Exhibit 8.
9. Change Order #1 dated 4-13-17, Exhibit 9 to Order.
10. Change Order #2 dated 5-12-17, Exhibit 10.
11. Change Order #3 dated 5-31-17, Exhibit 11.
12. Billys Plumbing Shell Subcontract, Exhibit 12.
13. Garrard's Calculation of Damages, Exhibit 13.
14. Plaintiff's Supplemental Discovery Requests. Exhibit 14.
15. Defendants' Answers to Supplemental Discovery Requests dated February 20, 2018. Exhibit 15.
16. Deposition of William Bromley, Exhibit 16.
17. Plaintiff's Second Supplemental Requests dated November 20, 2018. Ex. 17
18. Defendants' Responses to Second Supplemental Requests, Exhibit 18.
19. Countryman Email dated October 8, 2018 and Documents Bates stamped Countryman 10-8-18 1- Countryman 10-8-18 87. Exhibit 19.
20. Email from Shawn Gill, January 6, 2017, Billy's Plumbing 1762. Exhibit 20.

21. Email from Scott Gasque, January 18, 2017, Exhibit 21.
22. Email from Shawn Gill , January 18, 2017, Exhibit 22.
23. Email from Shawn Gill , February 1, 2017, Exhibit 23.
24. Billys Plumbing Time and Material Subcontract, Exhibit 24.
25. Email from Scott Gasque , January 23, 2017, Exhibit 25.
26. Email from Shawn Gill, January 23, 2017, Exhibit 26.
27. Correspondence dated April 12, 2019. Exhibit 27.
28. Deposition of Shawn Gill, p. 182 - 184. Exhibit 28.
29. Deposition of Patrick Watson, p. 14. Exhibit 29.
30. Deposition of John Mulleady, p. 68 - 69. Exhibit 30.
31. Correspondence dated August 22, 2019. Exhibit 31.
32. Correspondence dated September 16, 2019. Exhibit 32.
33. Correspondence dated September 25, 2019. Exhibit 33.
34. Garrard 9.25.19 prod. 000001-004201. Exhibit 34. **(Respondent consents to Electronic or on-line Viewing of Public Index)**
35. Billys Plumbing's Responses, October 18, 2019. Exhibit 35.
36. Supplemental Requests dated November 4, 2019. Exhibit 36.
37. Supplemental/Amended Answers dated November 18, 2019. Exhibit 37.
38. Letter from Andrew Countryman dated November 29, 2019. Exhibit 38.
39. Affidavit of Mark Neill, Exhibit 39.

Consent Order filed October 16, 2019.

Amended Consent Scheduling Order, August 23, 2019.

Consent Order filed April 30, 2019.

Order filed April 3, 2019.

Order filed February 15, 2019.

Amended Consent Scheduling Order, December 11, 2018.

Consent Order filed October 11, 2018.

Consent Scheduling Order, June 29, 2018.

Motion to Alter or Amend, February 6, 2020.

Motion for Protective Order, December 4, 2019.

Motion for Sanctions, November 4, 2019.

Motion to Compel, September 9, 2019.

Motion to Compel Depositions, February 15, 2019.

Motion to Compel, February 13, 2019.

Motion for Sanctions as to Billys Plumbing filed November 20, 2018.

Billys Plumbing's Motion to Quash filed July 31, 2018.

Amended Complaint filed May 3, 2019.

Answer to Amended Complaint, Counterclaim, Third-Party Complaint filed May 10, 2019.

Reply filed May 22, 2019.

RLI Insurance Answer filed May 23, 2019.

Billys Plumbing Answer filed June 27, 2019.

Complaint filed June 8, 2017.

Answer, Counterclaim and Third-Party Complaint filed July 6, 2017.

Transcript of Hearing, December 18, 2019.

Transcript of Hearing April 1, 2019.

Mechanic's Lien April 12, 2017.

Affidavit of Rebekah Rudd filed December 9, 2019.

Deposition of Pat Watson, Cover and pages 40-41, 66, 78, 107-108.

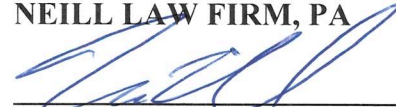
Deposition of Bill Bromley, page 54.

Email dated April 17, 2017, Bates stamped Garrard 9.25.19 prod. 004008 – part of Exhibit 34 to Order.

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

Respectfully submitted,

NEILL LAW FIRM, PA



Mark D. Neill, S.C. Bar No: 14273
Mary Anna Neill, S.C. Bar No. 15740
P.O. Box 2810
Murrells Inlet, SC 29576
(843) 651-8580
Attorneys for Respondent

August 31, 2020

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and

Garrard Construction Group, Inc. is the Appellant.

PROOF OF SERVICE

I certify that I have served Respondent’s Initial Brief and Designation of Matter on all attorneys of record by e-mailing and depositing a copy of same in the United States Mail, First Class postage prepaid, on August 31, 2020, addressed as follows:

J.W. Matthews III
Sarah P. Spruill
Haynsworth Sinkler Boyd, P.A.
P.O. Box 2048
Greenville, SC 29602-2048
jmatthews@hsblawfirm.com
sspruill@hsblawfirm.com
Attorneys for Appellant

Robert T. Lyles
Lyles and Associates
1037 Chuck Dawley Blvd.
Suite G-100
Mt. Pleasant, SC 29464
rtl@lylesfirm.com
Attorneys for RLI Insurance Company

NEILL LAW FIRM, PA



Mary Anna Neill
P.O. Box 2810
Murrells Inlet, SC 29576
(843) 651-8580

August 31 2020

NEILL LAW FIRM

MARK D. NEILL
MNEILL@NEILLLAWFIRM.COM

POST OFFICE BOX 2810 · MURRELLS INLET, SC 29576
PHONE: (843) 651-8580 FACSIMILE: (843) 651-8586
WWW.NEILLLAWFIRM.COM

MARY ANNA NEILL
MANEILL@NEILLLAWFIRM.COM

August 31, 2020

VIA E-MAIL & US MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org

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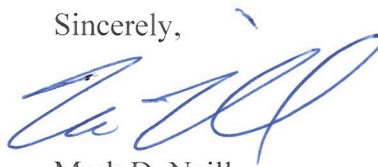
*Re: Carolina Cool, Inc. vs. Garrard Construction Group, Inc., et al.
Case No: 2017-CP-26-3562
Appellate Case No: 2020-000273*

Dear Ms. Kitchings:

Please find enclosed for filing, *Initial Brief of Respondent* and *Respondent's Designation of Matter*, together with a Proof of Service. Thank you for your assistance in this matter. If any additional information is needed, please let me know.

With kindest regards, I am

Sincerely,



Mark D. Neill

cc: Counsel of Record