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SC Court of Appeals

LYLES & ASSOCIATES, LLC
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Robert T. Lyles, Jr.
Member

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August 4, 2020

VIA EMAIL & U.S. MAIL

Robert B. Varnado
Brown & Varnado, LLC
P.O. Box 1127
Mt. Pleasant, SC 29465

Re: *Brown Contractors, LLC vs. Andrew Joseph McMarlin, et al.*
Appellate Case No.: 2019-000513

Dear Rob:

Pursuant to Rule 212 of the Rules of Appellate Practice, I would like your consent to supplement the Record on Appeal to include the following documents.

As listed in Respondents/Appellants' Amended Designation of Matter to be Included in the Record on Appeal, the following Designation Exhibits were not included in the Record on Appeal. We would like to supplement the Record on Appeal to include the documents listed below.

1. Trial Transcript (November 7, 2017 – November 10, 2017 and December 13, 2017) pages 26-168, 177-179, 181-187, 194, 230, 248, 249, 272, 273, 498-506, 509-512, 517, 543, 544, 560-566, 611-665, 778 and trial exhibits listed below;
32. Defendants' No. 12 Email from Jay to Amy regarding updated cost control estimate 6/15/2012;
33. Defendants' No. 13 Email from Jay to Amy regarding Contract 7/20/2012;
34. Defendants' No. 14 Email from Jay to Amy Henry regarding AIA Cost Plus Contract 7/24/2012;
35. Defendants' No. 15 Email from Jay to Amy regarding Cost Estimate 8/8/2012;
36. Defendants' No. 16 Email from Henry to Amy with forward message from Jay regarding value engineering 8/9/2012;

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37. Defendants' No. 17 Email from Jay to Henry regarding a revised phase 1 pricing 8/15/2012;
38. Defendants' No. 18 Email from Jay to Henry and Amy regarding updated bid per Beau Clowney meeting 8/22/2012;
39. Defendants' No. 19 Email from Jay to Henry regarding bid 8/23/2012;
40. Defendants' No. 20 Email from Jay to Henry regarding Updated Bid per Beau Clowney meeting 8/23/2012;
41. Defendants' No. 21 Email from Henry to Vuong regarding bills 6/13/2013;
58. Defendants' No. 48 Email from Henry Salzhauer to Jay Brown regarding a fix on construction costs on 2/11/2013;
59. Defendants' No. 49 Email from Vuong Nguyen to Courtney Bishop regarding progress on 2/13/2013 (Salzhauer 2612);
60. Defendants' No. 50 Email from Henry Salzhauer to Deborah Kahn regarding incorporating the cost to complete on 2/15/2013 (Salzhauer 2670-2672);
61. Defendants' No. 51 Email from Debroah Kahn to Henry Salzhauer regarding cost to complete information on 2/19/2013 (Salzhauer 2680-2685);
62. Defendants' No. 52 Email from Henry Salzhauer to Deborah Khan regarding entire job expected cost on 2/19/2013 (Salzhauer 2707-2710);
63. Defendants' No. 53 Email from Henry Salzhauer to Jay Brown regarding one number for what the entire job will cost on 2/19/2013 (Salzhauer 2711);
64. Defendants' No. 54 Email from Henry Salzhauer to Jay Brown regarding finish date for house and total cost for house on 2/22/2013 (Salzhauer 2716-2717);
65. Defendants' No. 55 Email from Henry Salzhauer to Jay Brown regarding finish date previously was March and now it is May on 2/25/2013 (Salzhauer 2722-2723);
66. Defendants' No. 56 Email form Henry Salzhauer to Jay Brown regarding firm schedule on 2/27/2013 (Salzhauer 2736-2738);
67. Defendants' No. 57 Email from Amy Salzhauer to Jay Brown regarding quality of work concerns on 3/2/2013 (Salzhauer 2740);
68. Defendants' No. 58 Email from Henry Salzhauer to Jay Brown regarding billing looking like a Time and Material Basis and schedule of completion by end of the week on 3/12/2013 (Salzhauer 2779-2780).

Copies of these documents can be viewed and accessed via the Dropbox link below:

<https://www.dropbox.com/sh/8gjh2jjor2ib86s/AABIUpqYi0KwJspMCRXTpV46a?dl=0>

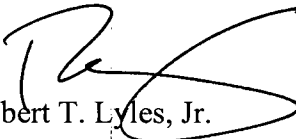
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With your consent, I will prepare the Supplemental Record on Appeal and forward it to the Clerk of the South Carolina Court of Appeals.

With kindest regards, I am

Very truly yours,

LYLES & ASSOCIATES, LLC


Robert T. Lyles, Jr.

RTL/cw
cc: ✓ The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals



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