

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Feb 09 2021

SC Court of Appeals

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APPEAL FROM AIKEN COUNTY  
COURT OF COMMON PLEAS  
THE HONORABLE J. CORDELL MADDOX, JR.  
CIRCUIT COURT JUDGE

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APPELLATE CASE NO. 2020-001103  
CIVIL ACTION NO. 2016-CP-02-00263

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Robin Napier, individually and on behalf of all others  
similarly situated,

**APPELLANT,**

versus

Mundy's Construction, Inc. d/b/a Mundy Construction,

**RESPONDENT.**

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

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Mundy's Construction, Inc. d/b/a Mundy Construction, Respondent, in the above  
referenced matter, proposes the following be included in the Record on Appeal:

1. Complaint, filed February 8, 2016;
2. Third Amended Complaint, filed July 28, 2017;
3. Mundy Construction's Answer to the Third Amended Complaint, filed July 28, 2017;
4. Certification Order, filed January 12, 2018;
5. Plaintiffs' Pre-Trial Brief, dated May 24, 2019;

6. Mundy Construction's Pre-Trial Brief, dated May 24, 2019;
7. May 28 and 29, 2019 Trial Transcript Volume I: Whitlock and Mundy Testimony;
8. May 28 and 29, 2019 Trial Transcript Volume II: Balance of Trial Transcript;
9. Mundy Construction's Position Statement, dated June 3, 2019;
10. Plaintiffs' Amended Post-Trial Position Statement, dated August 14, 2019;
11. Final Order and Judgment, filed April 14, 2020;
12. Plaintiffs' Motion to Reconsider, filed April 24, 2020;
13. Plaintiffs' Motion to Intervene, filed April 24, 2020;
14. Mundy Construction's Memorandum in Opposition to the Motion to Reconsider, filed May 4, 2020;
15. Mundy Construction's Memorandum in Opposition to the Motion to Intervene, filed May 4, 2020;
16. Order Granting Motion to Intervene, filed July 20, 2020;
17. Order on Reconsideration, filed July 20, 2020;
18. Defendant's Ex. 1 (Invoices);
19. Defendant's Ex. 2 (Invoice Summary);
20. Defendant's Ex. 3 (Certificates of Occupancy);
21. Defendant's Exs. 4-9 (Appraisals);
22. Defendant's Ex. 11 (Belangia Aff.);
23. Defendant's Ex. 16 (Rickabaugh Ltr.);
24. Plaintiffs' Ex. 940 (WDP Cost Estimate);
25. Plaintiffs' Exs. 953, 954, 955, 956, 957, 958, 959, 960, 962, 977, 978, 979, 980, 981, 993, 995, and 997 (Photos);

26. Plaintiffs' Ex. 991 (Chart of Certificates);
27. Excerpts from Deposition of Kenny Gordon for Maddox Construction, pp. 51, 59-60, 80-81, 83, and 112; and
28. Excerpts from Deposition of Hal Trotter of Hallum, LLC, pp. 182-83 and 189-90.

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

Respectfully submitted,

/s/ Carmen V. Ganjehsani

David A. Anderson

S.C. Bar No. 11550

Carmen V. Ganjehsani

S.C. Bar No. 73515

James B. Robey, III

S.C. Bar No. 102452

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**ATTORNEYS FOR RESPONDENT**

**MUNDY'S CONSTRUCTION, INC.**

**d/b/a MUNDY CONSTRUCTION**

February 9, 2021.

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**CERTIFICATE OF SERVICE**

I, the undersigned, an employee of Richardson Plowden & Robinson, P.A., for Respondent, Mundy's Construction, Inc. d/b/a Mundy Construction, do hereby certify that I have this date served the foregoing Designation of Matter to be Included in the Record on Appeal, dated February 9, 2021, by personally serving the same pursuant to Section (g)(3) of the Supreme Court's Amended Order dated May 29, 2020, on the following counsel of record using the primary email addresses listed in the Attorney Information System (if applicable):

Justin O'Toole Lucey  
JUSTIN O'TOOLE LUCEY, PA  
415 Mill Street  
Mt. Pleasant, SC 29464  
jlucey@lucey-law.com  
**Attorney for Appellant**

A copy of the sent email is enclosed with this Certificate of Service.

/s Carmen V. Ganjehsani

Carmen V. Ganjehsani

S.C. Bar No. 73515

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**ATTORNEYS FOR RESPONDENT**

**MUNDY'S CONSTRUCTION, INC. d/b/a**

**MUNDY CONSTRUCTION**

Dated: February 9, 2021.

## Carmen Ganjehsani


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**From:** Carmen Ganjehsani  
**Sent:** Tuesday, February 09, 2021 2:47 PM  
**To:** jlucey@lucey-law.com  
**Cc:** David Anderson; James Robey; Lee Weiland (lweiland@lucey-law.com); Anna McCann (amccann@lucey-law.com)  
**Subject:** 2020-001103 Napier v. Mundy's Construction  
**Attachments:** 2020-001103 Initial Respondent's Brief (Napier v. Mundy).pdf; 2020-001103 Designations (Napier v. Mundy).pdf

Please find served upon you today in compliance with the Supreme Court's Amended Order dated May 29, 2020 our Initial Respondent's Brief and Designation of Matter to be Included in the Record on Appeal in the above-referenced case.

Please let me know if you have any questions.

Carmen Ganjehsani

<a href="#">HOME</a>	<a href="#">VCARD</a>	<a href="#">LOCATION</a>
	<b>Carmen V. Ganjehsani</b> Shareholder <a href="mailto:cganjehsani@RichardsonPlowden.com">cganjehsani@RichardsonPlowden.com</a>	<b>Richardson Plowden &amp; Robinson, P.A.</b> 1900 Barnwell Street Columbia, SC 29201 Tel: 803.253.8692 Fax: 803.779.0016 <a href="http://www.RichardsonPlowden.com">www.RichardsonPlowden.com</a>

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