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**Apr 01 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge

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Case No. 2016-CP-10-03455  
Appellate Case No. 2020-001328

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Six Fifty Six Owners Association, Inc. and Robert John Nutley, individually, and on behalf of others similarly situated,  
Plaintiffs,

vs.

Winsor South, LLC and Jeffrey M. Thomas, individually, and on behalf of a class of construction defendants; Southeastern Recapitalization Group, LLC; WCM Construction, LLC; Jonathan J. Thomas; AC Heating and Air Conditioning Service, Inc.; ACME Doors, Inc.; Alpha Omega Construction Group, Inc.; Atlantic Construction Services, Inc.; Buck Lumber and Building Supply, Inc.; Builders FirstSource, Inc.; Builders FirstSource-Atlantic Group, LLC, Builders FirstSource-Florida, LLC a/k/a Builders FirstSource-Florida Design Center, LLC; Builders FirstSource-Southeast Group, LLC; Charlotte Flooring, Inc.; Diria Tawi Painting, Inc.; East Coast Wall Systems, Inc.; Fogel Services, Inc.; G&S Home Remodeling, LLC; Guaranteed Framing, LLC; J. Mora Brick & Block Mason, LLC; Land/Site Services, Inc.; Landmark Construction Company, Inc.; Lutzen Construction, Inc.; New Horizon Shutters, Inc. a/k/a New Horizon Shutters International, LLC; PJ Sanchez Masonry, LLC; Screens Plus, Inc., Simons Construction Company, LLC; Stucco by Design, LLC; Fine Builders, LLC; Speedtruss, Inc.; AS Construction; Javier Morales Merino; Novac Construction, Inc.; MJG Construction, Inc.; Advance Plumbing, Heating, & Air, Inc.; Ashley Steel, Inc.; Cahill Contracting, LLC; Cohen's Drywall, Inc.; Bob Porter d/b/a Custom Interior Construction; RB's Trim, Inc.; Sharon's Painting and Construction a/k/a Sharon's Painting, LLC; Davis Tile; Timothy Mitchell; Electrical Design & Construction, Inc.; Fine Builders, LLC; Speedtruss, Inc.; Argentino Jose Campos d/b/a as Construction; Javier Morales Merino; Novac Construction, Inc.; MJG Construction, Inc.; Advance Plumbing, Heating & Air, Inc.; Cahill Contracting, LLC; Cohen's Drywall, Inc.; Bob Porter d/b/a Custom Interior Construction; RB's Trim, Inc.; Sharon's Painting, LLC; David Tile; Timothy Mitchell; Electrical Design & Construction, Inc.; Hurley Services, LLC; Charleston Exteriors LLC; Jorge Diaz aka Jorge Louis Paz; San Luis Construction, Inc. nka

Roofing America Metal Fabrications, LLC; Rogerio Dos Santos dba Rogerio Santos Construction; Fabio Oliviera dba Four Season Siding; Sunrise Siding; Garcia Roofing, LLC; Espino Roofing, LLC; Migual Painting, LLC; Horacio Jasso; Standard Precast Walls, LLC; Alfonso Rodriguez Vasquez aka Alfonso Rodriguez, Sr.; and John Does 55-75  
Defendants.

Of which Builders FirstSource – Southeast Group, LLC is the Appellant and Hurley Services, LLC and Charleston Exteriors, LLC are the Respondents.

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DESIGNATION OF MATTER TO BE INCLUDED  
IN THE RECORD ON APPEAL

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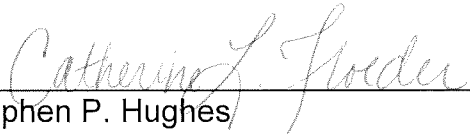
Appellant proposes the following be included in the Record on Appeal:

1. BFS Answer to Plaintiff's Third Amended Complaint and Cross Claims Against Hurley Services, LLC and Charleston Exteriors, LLC dated January 22, 2019
2. Hurley Services, LLC's Motion for Summary Judgment dated January 22, 2020
3. Charleston Exteriors motion to join Hurley Service's Motion for Summary Judgment filed February 21, 2020.
4. Hurley Services Memorandum in Support of Motion for Summary Judgment dated March 3, 2020
5. Charleston Exteriors Memorandum in Support of Motion for Summary Judgment dated March 3, 2020
6. Transcript of Hearing dated March 5, 2020
7. Letter of Stephen P. Hughes to the Hon. Roger M. Young dated March 6, 2020 (with enclosures)
8. Order Granting Summary Judgment dated April 29, 2020
9. Motion for Reconsideration and/or Alteration/Amendment dated May 11, 2020
10. Hurley Services Memorandum in Opposition to Motion for Reconsideration dated May 26, 2020
11. Charleston Exteriors Memorandum in Opposition to Motion for Reconsideration dated June 2, 2020
12. Builders FirstSource Reply to Hurley Services, LLC's and Charleston Exteriors, LLC's Memoranda in Opposition to Builders FirstSource-Southeast Group, LLC's Motion for Reconsideration and/or Alteration/Amendment dated June 4, 2020
13. Form 4 Order denying Motion for Reconsideration and/or Alteration/Amendment dated August 27, 2020
14. Transcript of Deposition of Russell T. Mease

15. Transcript of Deposition of Terry Rosamond
16. Transcript of Deposition of Edward Taylor
17. Master Subcontract Agreement between Builders FirstSource – Southeast Group, LLC and Hurley Services, LLC dated May 4, 2012
18. Master Subcontract Agreement between Builders FirstSource – Southeast Group, LLC and Charleston Exteriors, LLC dated October 17, 2012
19. Amended Order of Judge Newman Granting Charleston Exterior, LLC's and ECC Contracting, LLC's Motion for Summary Judgment dated February 3, 2020 in Builders FirstSource – Southeast Group, LLC v. MI Windows and Doors, et al.
20. Notice of Intent to Appeal dated March 2, 2020 in Builders FirstSource – Southeast Group, LLC v. MI Windows and Doors, et al.

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

HOWELL, GIBSON & HUGHES, P.A.

By:   
Stephen P. Hughes  
Mary B. Lohr  
William H. Cox III  
Catherine L. Floeder  
Post Office Box 40  
Beaufort, SC 29901-0040  
(843) 522-2400  
Attorney for Builders FirstSource -  
Southeast Group, LLC

Beaufort, South Carolina  
April 1, 2021

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Plaintiffs,

vs.

Winsor South, LLC and Jeffrey M. Thomas, individually, and on behalf of a class of construction defendants; Southeastern Recapitalization Group, LLC; WCM Construction, LLC; Jonathan J. Thomas; AC Heating and Air Conditioning Service, Inc.; ACME Doors, Inc.; Alpha Omega Construction Group, Inc.; Atlantic Construction Services, Inc.; Buck Lumber and Building Supply, Inc.; Builders FirstSource, Inc.; Builders FirstSource-Atlantic Group, LLC, Builders FirstSource-Florida, LLC a/k/a Builders FirstSource-Florida Design Center, LLC; Builders FirstSource-Southeast Group, LLC; Charlotte Flooring, Inc.; Diria Tawi Painting, Inc.; East Coast Wall Systems, Inc.; Fogel Services, Inc.; G&S Home Remodeling, LLC; Guaranteed Framing, LLC; J. Mora Brick & Block Mason, LLC; Land/Site Services, Inc.; Landmark Construction Company, Inc.; Lutzen Construction, Inc.; New Horizon Shutters, Inc. a/k/a New Horizon Shutters International, LLC; PJ Sanchez Masonry, LLC; Screens Plus, Inc., Simons Construction Company, LLC; Stucco by Design, LLC; Fine Builders, LLC; Speedtruss, Inc.; AS Construction; Javier Morales Merino; Novac Construction, Inc.; MJG Construction, Inc.; Advance Plumbing, Heating, & Air, Inc.; Ashley Steel, Inc.; Cahill Contracting, LLC; Cohen's Drywall, Inc.; Bob Porter d/b/a Custom Interior Construction; RB's Trim, Inc.; Sharon's Painting and Construction a/k/a Sharon's Painting, LLC; Davis Tile; Timothy Mitchell; Electrical Design & Construction, Inc.; Fine Builders, LLC; Speedtruss, Inc.; Argentino Jose Campos d/b/a as Construction; Javier Morales Merino; Novac Construction, Inc.; MJG Construction, Inc.; Advance Plumbing, Heating & Air, Inc.; Cahill Contracting, LLC; Cohen's Drywall, Inc.; Bob Porter d/b/a Custom Interior Construction; RB's Trim, Inc.; Sharon's Painting, LLC; David Tile; Timothy Mitchell; Electrical Design & Construction, Inc.; Hurley Services, LLC; Charleston Exteriors LLC; Jorge Diaz aka Jorge Louis Paz; San Luis Construction, Inc. nka

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Defendants.

Of which Builders FirstSource – Southeast Group, LLC is the Appellant and Hurley Services, LLC and Charleston Exteriors, LLC are the Respondents.

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PROOF OF SERVICE

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The undersigned counsel hereby certifies that she has served the foregoing Initial Brief of Appellant and Designation of Matter upon all counsel of record by email on this 1<sup>st</sup> day of April, 2021 addressed to the following:


Ian W. Freeman, Esquire  
Walker, Gressette, Freeman & Linton, LLC  
Post Office Box 22167  
Charleston, SC 29413  
freeman@wgflaw.com  
Attorney for Hurley Services, LLC

Jennifer S. Ivey, Esquire  
Walker, Gressette, Freeman & Linton, LLC  
Post Office Box 22167  
Charleston, SC 29413  
ivey@wgflaw.com  
Attorney for Hurley Services, LLC

C. Clay Olson, Esquire  
Harper Little PLLC  
164 Market Street  
Suite 139  
Charleston, SC 29401  
colson@grsm.com  
Attorney for Charleston Exteriors, LLC

[Signature Page Follows]

HOWELL, GIBSON & HUGHES, P.A.

By:   
Stephen P. Hughes  
Mary B. Lohr  
William H. Cox III  
Catherine L. Floeder  
Post Office Box 40  
Beaufort, SC 29901-0040  
(843) 522-2400  
Attorneys for Builders FirstSource -  
Southeast Group, LLC

Beaufort, South Carolina  
April 1, 2021

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SC Court of Appeals

HOWELL, GIBSON AND HUGHES, P.A.  
ATTORNEYS AT LAW

Post Office Box 40  
Beaufort, South Carolina 29901-0040  
[www.hghpa.com](http://www.hghpa.com)

STEPHEN P. HUGHES  
ROBERT W. ACHURCH III \*  
DAVID S. BLACK  
MARY BASS LOHR  
THOMAS A. BENDLE, JR.

WILLIAM H. COX, III  
NATHAN E. AKERS  
ROBERT S. DENNIS

25 RUE DU BOIS  
LADY'S ISLAND  
BEAUFORT, SOUTH CAROLINA 29907

TELEPHONE: 843 - 522-2400  
FAX NUMBER: 843 - 522-2429  
WRITER'S DIRECT: 843-522-2426  
DIRECT E-MAIL: [Cfloeder@hghpa.com](mailto:Cfloeder@hghpa.com)  
PARALEGAL E-MAIL: [twalker@hghpa.com](mailto:twalker@hghpa.com)

\* Certified Mediator

CATHERNIE L. FLOEDER (Of Counsel)

VIA EMAIL ONLY

April 1, 2021

Hon. Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

Re: Six Fifty Six Owners Association, Inc., et al. v. Windsor South, LLC, et al.  
Civil Action No.: 2016-CP-10-03455  
Appellate Case No.: 2020-001328

Dear Ms. Kitchings:

With regard to the above referenced matter, please find enclosed herewith for filing the following documents: (1) Initial Brief of Appellants; (2) Appellants' Designation of Matter; and (3) Proof of Service. I would appreciate your filing the same and returning a filed, clocked copy to me by email. Thank you for your assistance with this matter.

With kindest regards, I am

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.



Catherine L. Floeder, Esq.

Enclosures

cc: Counsel of Record