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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

**APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas for the Ninth Circuit**

The Honorable Mikell Scarborough, Master in Equity

Case No. 2016-CP-10-2955

Appellate Case No. 2021-000272

TCC of Charleston, Inc.Appellant.

v.

Concord and Cumberland, LLC, Concord & Cumberland HPR, Leo Hall, Diane Hall, Bea H. Smith, Margaret C. Pope, William D. Foster, Jr., Gene G. Foster, Mattison J. MacGillivray, Teresa MacGillivray, Pamela L. Vaughn, Nelia A. Patricio, Trustee of the Nelia A. Patricio Revocable Trust Agreement, Stuart D. Reeves, Edward T. Strom, Barbara K. Henderson, James R. Clarke, Paul A. Brim, Robert K. Seidl, Jennifer M. Seidl, Robert Kenneth Seidl, II, M. Bert Storey, Thomas R. Mather, Edward T. Strom, 304 Concord & Cumberland, LLC, Marion M. Simpson f/k/a Marion Moore McDonald Simpson, Kathy Gardner, Gregory J. Gardner, Freeman Waterfront Properties, LLC, Jo-Ann Cooper, Betty Y. Segal, Robert M. Levin, and Bonita K. Levin, Donald D. Leonard, Betty L. Beatty, Mattellen, LLC, and Thomas R. Debnam, Trustee of the Trust Agreement of Thomas R. Debnam, Respondents.

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

Appellant asserts the following documents should be included in the Record on Appeal:

ORDERS/JUDGMENTS

1. January 3, 2017 Order [Hon. Roger M. Young, Sr.] Staying Case and Compelling Arbitration;
2. Corrected Arbitration Award dated August 12, 2019;

3. January 30, 2020 Order [Hon. Dadra L. Jefferson] Denying HPR Motion to Vacate
4. May 1, 2020 Order [Hon. Dadra L. Jefferson] Denying HPR Motion for Reconsideration
5. August 11, 2020 Order [Hon. Jennifer B. McCoy] on Pending Motions and Order of Reference;
6. February 16, 2021 Order [Hon. Mikell R. Scarborough] re: various motions;
7. February 16, 2021 Order [Mikell R. Scarborough] Granting Partial Summary Judgment to Betty L. Beatty;
8. March 2, 2021 Order [Hon. Mikell R. Scarborough] Awarding Attorneys' Fees;
9. March 26, 2021 Order [Hon. Mikell R. Scarborough] Denying Motion for Reconsideration

PLEADINGS

10. Amended Summons and Amended Complaint, with all supporting exhibits, filed June 10, 2016;
11. Amended Notice and Certificate of Mechanic's Lien, with all supporting exhibits, recorded June 10, 2016;
12. Betty L. Beatty's Answer to Amended Complaint dated January 17, 2020;
13. Second Amended Complaint dated August 24, 2020;

MOTIONS (Including all Supporting Exhibits)

14. HPR Proposed Order re Arbitration Award, dated March 22, 2019;
15. TCC of Charleston's Motion for Prejudgment Interest, Cost of Arbitration, and Attorney's Fees and Costs and TCC's Motion to Provide Fees and Costs Billing, with all supporting exhibits, dated April 26, 2019;
16. Concord & Cumberland HPR's Motion for Reconsideration (*filed in Arbitration proceedings*) dated May 17, 2019;
17. Concord & Cumberland HPR's Motion for Change of Award (*filed in Arbitration proceedings*) dated July 15, 2019;
18. Concord and Cumberland HPR's Motion to Vacate the Arbitration Award or, Alternatively, to Modify or Correct the Arbitration Award dated July 16, 2019;
19. Concord & Cumberland HPR's Motion for Change of Corrected Award (*filed in Arbitration proceedings*) dated September 17, 2019;

20. Concord and Cumberland HPR's Motion to Vacate the Corrected Award or, Alternatively, to Modify or Correct the Corrected Award dated November 18, 2019;
21. Concord & Cumberland HPR's Motion for Summary Judgment with all supporting exhibits dated December 6, 2019;
22. Concord and Cumberland HPR's Memo of Law (1) In Opposition to Motion to Lift Stay; (2) In Support of Motion to Vacate or Correct the "Corrected Arbitration Award" and (3) In Support of Motion for Summary Judgment with all supporting exhibits dated December 11, 2019;
23. Concord & Cumberland HPR's Motion to Reconsider, Alter or Amend the Court's Order on Motion to Lift Stay and Motions to Vacate or Correct Arbitration Award dated February 10, 2020;
24. TCC of Charleston, Inc.'s Memorandum in Opposition of Concord and Cumberland HPR's Motion to Reconsider, Alter, or Amend the Court's Order with all supporting exhibits dated March 12, 2020;
25. Concord and Cumberland HPR's Reply to TCC of Charleston's Memorandum in Opposition to Motion to Reconsider, Alter, or Amend with all supporting exhibits dated April 21, 2020;
26. Betty L. Beatty's Motion for Partial Summary Judgment, with all supporting exhibits, dated May 8, 2020;
27. Concord and Cumberland HPR's Motion to Deposit Funds dated May 11, 2020;
28. Plaintiff's Motion to Amend with all supporting exhibits dated May 15, 2020;
29. TCC of Charleston, Inc.'s Objection to Proceeding, Memorandum in Opposition to Pending Motions for Summary Judgment, and Response to Motion to Deposit Funds, with all supporting exhibits, dated May 22, 2020;
30. Betty L. Beatty's Reply to TCC of Charleston's Memorandum in Opposition to Motion for Summary Judgment with all supporting exhibits dated May 27, 2020;
31. Concord & Cumberland HPR's Reply to TCC of Charleston, Inc.'s Objection to Proceeding, Memorandum in Opposition to Pending Motions for Summary Judgment, and Response to Motion to Deposit Funds, and Opposition to TCC's Motion to Amend, with all supporting exhibits, dated May 27, 2020;
32. TCC of Charleston's Motion to Confirm Arbitration Award, with all supporting exhibits, dated July 30, 2020;
33. TCC Motion for Attorney's Fees with all supporting exhibits dated September 11,

2020;

34. TCC Motion to Amend Statement of Account with all supporting exhibits dated October 1, 2020;
35. Concord & Cumberland HPR's Memorandum of Law in Support of Its Position as to the Pending Motions, with all supporting exhibits, dated October 27, 2020;
36. HPR Proposed Order re 11/05/2020 hearing, dated November 16, 2020;
37. TCC Omnibus Response and Objections to Filings and Submittals to Betty Beatty with all supporting exhibits dated November 30, 2020;
38. TCC Omnibus Response and Objections to Filings and Submittals to Concord and Cumberland HPR with all supporting exhibits dated November 30, 2020;
39. Individual Homeowners' Motion for Summary Judgment with all supporting exhibits dated January 17, 2021;
40. TCC Motion for Reconsideration and/or Clarification with all supporting exhibits dated March 12, 2021;
41. HPR Memorandum in Opposition to TCC Motion for Reconsideration with all supporting exhibits dated March 17, 2021;
42. Betty L. Beatty Memorandum in Opposition to TCC of Charleston, Inc.'s Motion for Reconsideration with all supporting exhibits dated March 19, 2021;
43. TCC of Charleston, Inc.'s Reply in Support of Motion for Reconsideration with all supporting exhibits dated March 19, 2021;

AFFIDAVITS

44. Affidavit of Angela Gross, with all supporting exhibits, dated November 3, 2020;
45. Affidavit of Andrew K. Epting, Jr., with all supporting exhibits, dated November 3, 2020;

OTHER

46. TCC Arb. Exh. 32 – June 26, 2015 Chris Ogiba email to AKE
47. TCC Arb. Exh. 33 – May 27, 2015 Letter Agreement
48. TCC Arb. Exh. 73 – PCO 130
49. TCC Arb. Exh. 130 – PCO 142
50. TCC Arb. Exh. 155 – Dagg Timesheets

51. TCC Arb. Exh. 157 – Summary exhibit
52. Agreement to Arbitrate dated January 18, 2017;
53. Notice of Appeal dated June 1, 2020, appealing Order on Motion to Lift Stay and Motions to Vacate or Correct Arbitration Award and Order on Concord & Cumberland HPR’s Motion to Alter/Amend;

I certify this designation contains no matter irrelevant to this appeal.

Respectfully Submitted:

EPTING & RANNIK

This 10th day of May, 2021
Charleston, S.C.

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