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May 25 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Honorable Jennifer B. McCoy, Circuit Court Judge

Case No. 2019-CP-10-00772
Appellate Case No. 2021-000290

Dag Pavic and Stela Susac-Pavic.....Plaintiffs,

vs.

Carolina Cottage Homes, LLC dba Saussy Burbank; SB Holding, LLC dba Saussy Burbank; Saussy Burbank GC, LLC; American Residential Services, LLC; Builders FirstSource-Southeast Group, LLC; Hurley Services LLC; Simons Contractors, LLC and Cohen’s Drywall Company, Inc.....Defendants,

of which

Builders FirstSource-Southeast Group, LLC is.....Appellant,

and

Hurley Services, LLC is.....Respondent.

DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL

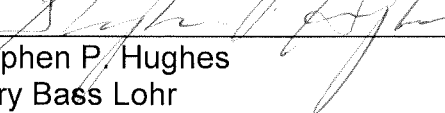
Appellant proposes the following be included in the Record on Appeal:

1. Plaintiffs’ First Amended Complaint, filed February 28, 2019
2. Builders FirstSource Answer to Plaintiffs’ Second Amended Complaint with Crossclaims filed April 1, 2019
3. Builders FirstSource Amended Answer to Plaintiffs’ Third Amended Complaint with Crossclaims and Third-Party Claims filed April 19, 2019
4. Master Subcontract Agreement dated May 14, 2012
5. Master Subcontract Agreement dated December 18, 2014

6. Amended Order of Judge Newman filed February 3, 2020 in Builders FirstSource – Southeast Group, LLC v. MI Windows and Doors et al., Civil Action No. 2018-CP-08-02547,
7. Order of Judge Young filed April 29, 2020 in Six Fifty Six Owners Association, Inc., et al. v. Windsor South, LLC, et al., Civil Action No. 2016-CP-10-3455
8. Notice of Appeal, Builders FirstSource- Southeast Group, LLC v. MI Windows and Doors, Inc. et al., filed March 5, 2020;
9. Notice of Appeal, Six Fifty Six Owners Association, Inc. et al., v. Windsor South, LLC et al., filed September 24, 2020
10. Stipulation between BFS and Plaintiffs filed October 31, 2019
11. Stipulation of Dismissal as to MW Windows filed January 28, 2020
12. Excerpts of Deposition Testimony of Russell T. Mease taken February 21, 2020
13. Hurley Services Motion for Partial Summary Judgment dated August 27, 2020
14. Hurley Services Memorandum in Support of Motion for Summary Judgment filed September 25, 2020
15. Builders FirstSource Memorandum in Opposition to Motion for Summary Judgment filed September 25, 2020
16. Transcript of October 1, 2020 hearing
17. Form 4 Order dated January 11, 2021
18. Stephen P. Hughes Letter to Court dated January 11, 2021
19. Email correspondence from Court dated January 11, 2021
20. Hurley Services Proposed Order filed January 21, 2021
21. Order granting partial summary judgment to Hurley Services, filed January 25, 2021
22. Builders FirstSource Motion for Reconsideration filed February 4, 2021
23. Form 4 Order dated February 16, 2021

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

HOWELL, GIBSON & HUGHES, P.A.

By: 
Stephen P. Hughes
Mary Bass 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

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of which

Builders FirstSource-Southeast Group, LLC is.....Appellant,

and

Hurley Services, LLC is.....Respondent.


PROOF OF SERVICE

The undersigned counsel hereby certifies that he has served the foregoing Initial Brief of Appellant and the Designation of Matter to be Included in the Record on Appeal upon all counsel of record by email on this 25th day of May, 2021 addressed to the following:

Finley B. Clarke, Esq.
Clarke, Johnson, Peterson & McLean, P.A.
Post Office Box 1865
Florence, SC 29503
(843) 669-2401
fclarke@cjpmlaw.com
Attorney for Hurley Services

HOWELL, GIBSON & HUGHES, P.A.

By:


Stephen P. Hughes

Mary Bass 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
May 25, 2021

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

Post Office Box 40
Beaufort, South Carolina 29901-0040
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
PARALEGAL E-MAIL: twalker@hghpa.com

* Certified Mediator

CATHERINE L. FLOEDER (Of
Counsel)

Via: Email
May 25, 2021

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

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Re: Dag Pavic and Stela Susac-Pavic vs. Carolina Cottage Homes, LLC dba
Saussy Burbank; SB Holding, LLC dba Saussy Burbank; Saussy
Burbank GC, LLC; American Residential Services, LLC; Builders
FirstSource-Southeast Group, et al.
Civil Action No.: 2019-CP-10-00772
Appellate Case No.: 2021-000290

Dear Ms. Kitchings:

Please find enclosed herewith for filing in regard to the above referenced matter:
(1) Initial Brief of Appellant, (2) Designation of Matter to be Included in the
Record on Appeal, and (3) Proof of Service. I would appreciate your filing the
same and returning a filed clocked copy to me by email.

With kindest regards, I am

HOWELL, GIBSON & HUGHES, P.A.


Stephen P. Hughes
Enclosure

cc: Finley Clarke, Attorney for Hurley Services, LLC