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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

Roger M. Young, Sr., Circuit Court Judge
Civil Action No. 2016-CP-10-03455

Appellate Case No. 2020-001328

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

v.

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 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, and 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; 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; Miguel Painting, LLC, Horacio Jasso; Standard Precast Walls, LLC; Alfonso Rodriguez Vazquez aka Alfonso Rodriguez, Sr.; and John Does 55-75,.....Defendants,

Of which Builders FirstSource-Southeast Group, LLC is the Appellant and Hurley Services, LLC is the Respondent.

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

Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Respondent, Hurley Services, LLC, designates the following to be included in the Record on Appeal, in addition to the materials designated by Appellant:

TRANSCRIPTS

1. Hearing Transcript of March 5, 2020.

PLEADINGS

2. Complaint dated July 5, 2016.
3. First Amended Complaint dated January 13, 2017.
4. Second Amended Complaint dated April 27, 2017.
5. Third Amended Complaint dated January 7, 2019.
6. Builders FirstSource's Answer to Second Amended Complaint dated May 4, 2017.
7. Builders FirstSource's Answer to Third Amended Complaint dated January 22, 2019.
8. Hurley Services, LLC's Answer to Third Amended Complaint dated January 16, 2019.

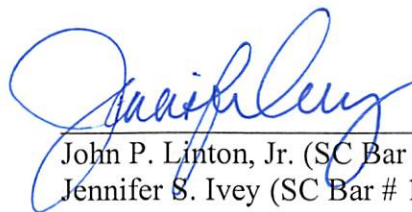
ORDERS

9. Order dated April 29, 2020.
10. Amended Order dated February 3, 2020 (Builders FirstSource-Southeast Group, LLC v. MI Windows and Doors, Inc., et al., Civil Action No. 2018-CP-08-02547, Appellate Case No. 2020-000415).
11. Form 4 Order dated August 26, 2020.
12. Order dated December 6, 2019 (Builders FirstSource-Southeast Group, LLC v. MI Windows and Doors, Inc., et al., Civil Action No. 2018-CP-08-02547, Appellate Case No. 2020-000415).
13. Order dated January 25, 2021 (Pavic v. Carolina Cottage Homes, LLC, et al., Civil Action No. 2019-CP-10-00772, Appellate Case No. 2021-000290).
14. Form 4 Order dated May 10, 2021 (The Retreat at Charleston Nat'l Country Club Homeowners' Ass'n, Inc., et al. v. Winston Carlyle Charleston Nat'l, LLC et al., Civil Action No. 2016-CP-10-03783).

MOTIONS

15. Motion for Summary Judgment and Exhibits filed by Hurley Services, LLC dated January 22, 2020.
16. Memorandum in Support of Motion for Summary Judgment and Exhibits filed by Hurley Services, LLC dated March 3, 2020.
17. Memorandum in Support of Motion for Summary Judgment and Exhibits filed by Charleston Exteriors, LLC dated March 3, 2020.
18. Motion for Reconsideration and/or Alteration/ Amendment filed by Builders FirstSource, dated May 11, 2020.
19. Memorandum in Opposition to Motion for Reconsideration and/or Alteration/Amendment filed by Hurley Services, LLC dated May 26, 2020.
20. Reply to Hurley Services, LLC and Charleston Exteriors, LLC's Memorandum in Opposition to Motion for Reconsideration and/or Alteration/Amendment filed by Builders FirstSource dated June 4, 2020.

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



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Attorneys for Respondent Hurley Services, LLC

July 1, 2021
Charleston, South Carolina

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

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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 a/k/a Builders FirstSource-Florida Design Center, LLC; Builders FirstSource-Southeast Group, LLC; Charlotte Flooring, Inc.; Dirla Tawl 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, and 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; 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; Miguel Painting, LLC, Horacio Jasso; Standard Precast Walls, LLC; Alfonso Rodriguez Vazquez aka Alfonso Rodriguez, Sr.; Marcello Marques Palmeira d/b/a Palmeira Construction, Ernandes Riberio de Pinho, Cristiane Cleaning, LLC, and John Does 58-75,..... Defendants,

Of which Builders FirstSource-Southeast Group, LLC is the Appellant and Hurley Services, LLC is the Respondent.

PROOF OF SERVICE

The undersigned hereby certifies that on **July 1, 2021**, a copy of **Initial Brief of Respondent Hurley Services, LLC and Respondent's Designation of Matter To Be Included In The Record on Appeal** was served on counsel of record, by Electronic Mail, as follows:

Stephen P. Hughes, Esq.
Mary B Lohr, Esq.
William H. Cox, III, Esq.
Catherine L. Floeder, Esq.
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Attorneys for Builders FirstSource-Southeast Group, LLC



M. Eugenia Minniti
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Charleston, South Carolina

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Cc: [Ian W. Freeman](mailto:Ian.W.Freeman); [John P. Linton, Jr.](mailto:John.P.Linton.Jr.); [Jennifer S. Ivey](mailto:Jennifer.S.Ivey); [Vincent Grosso](mailto:Vincent.Grosso); TWalker@hgpha.com; radkins@hgpha.com
Subject: Appellate Case No: 2020-001328 - Builders FirstSource v. Hurley Services, LLC, et al
Date: Thursday, July 1, 2021 4:02:00 PM
Attachments: [21-07-01 - Hurley Services IB.pdf](#)
[21-07-01 - Hurley Services DOM.pdf](#)
[21-07-01 - Hurley Services POS \(IB & DOM\).pdf](#)

Dear Counselors:

Attached for service upon you in connection with the above-referenced matter, please find Respondent Hurley Services, LLC's Initial Brief, Designation of Matter, and Proof of Service.

Kind regards,



JENNIFER S. IVEY
Direct: 843.727.2216
Email: Ivey@WGFLAW.com

G. Trenholm Walker
Thomas P. Gressette, Jr.
Ian W. Freeman
John P. Linton, Jr.
Charles P. Summerall, IV
Jennifer S. Ivey
Vincent Joseph-Lee Grosso

July 1, 2021

VIA EMAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

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SC Court of Appeals

Re: Six Fifty Six Owners Association, Inc. v. Builders FirstSource-Southeast Group, LLC v. Hurley Services, LLC
Appellate Case No. 2020-001328
WGFL File 5991.181

Dear Ms. Kitchings:

Please find attached Respondent Hurley Services, LLC's Initial Brief and Designation of Matter in the above-referenced matter along with a Proof of Service by electronic mail only.

Thank you for your assistance with this matter. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

WALKER GRESSETTE FREEMAN & LINTON, LLC

Jennifer S. Ivey

Enclosures as stated

cc: Stephen P. Hughes, Esq. (email only)
Mary B. Lohr, Esq. (email only)
William H. Cox, III, Esq. (email only)