

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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APPEAL FROM HORRY COUNTY

Court of Common Pleas

Steven H. John, Circuit Court Judge

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Civil Action No. 04-CP-26-0084

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Crossmann Communities of North Carolina, Inc.  
And Beazer Homes Investment Corp., .....Appellant,

vs.

Harleysville Mutual Insurance Company and  
Cincinnati Insurance Company,

Of whom Cincinnati Insurance Company is.....Respondent.

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

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Respondent Cincinnati Insurance Company, proposes the following be included in  
the Record on Appeal:

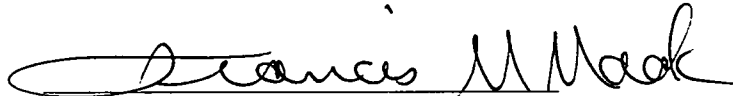
1. Final Order, May 3, 2007
2. Final Order as to Harleysville, May 23, 2012
3. Final Order as to Cincinnati, May 23, 2012
4. Order of September 12, 2012, denying Plaintiffs' Motion to Alter or Amend
5. Summons and Complaint
6. Second Amended Summons and Complaint
7. Cincinnati's Answer to Second Amended Summons and Complaint
8. Cincinnati's Memorandum of Authority on Stipulated Issues, February 13, 2007
9. Plaintiffs' Brief on Remand
10. Cincinnati's Brief on Remand
11. Cincinnati's Reply Brief on Remand
12. Transcript March 1, 2012 Hearing
13. Transcript August 27, 2012 Hearing
14. Transcript, January 5, 2012 Hearing

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15. Cincinnati Policies, Policy No. CCC 444 58 40  
-All 4 annual policies from 7/1/98 to 7/1/2002
16. Harleysville Policies, Policy No. CB 9A 5801  
-All 6 policies from 7/29/93 to 8/29/98
17. Stipulation, January 29, 2007
18. Declarations Page for Indiana Insurance Company Policy
19. Declarations Page for Massachusetts Bay Insurance Company Policy
20. Declarations Page for Regent Insurance Company Policy

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

Respectfully submitted,

A handwritten signature in black ink that reads "Francis M. Mack". The signature is written in a cursive style with a large, sweeping initial "F".

Francis M. Mack  
S.C. Bar #3505  
Richardson Plowden & Robinson, P.A.  
1900 Barnwell Street  
Columbia, South Carolina 29201  
(803) 771-4400

**Attorneys for Respondent Cincinnati  
Insurance Company**

THE STATE OF SOUTH CAROLINA  
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**PROOF OF SERVICE**

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I, the undersigned, an employee of Richardson Plowden & Robinson, P.A., attorneys for Respondent Cincinnati Insurance Company, do hereby certify that I have this date served the foregoing **Designation of Matter** by personally depositing a copy of the same in a United States Postal Service mailbox, postage prepaid, addressed to the following:

Martin M. McNerney  
Taylor T. Lankford  
King & Spalding, LLP  
1700 Pennsylvania Ave., NW  
Washington, DC 20006

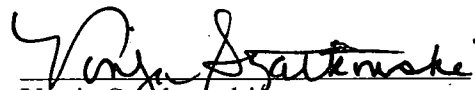
David B. Miller  
Bellamy Rutenberg Copeland  
Epps Gravely & Bowers, PA  
P.O. Box 357  
Myrtle Beach, SC 29578

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Nelson, Mullins, Riley & Scarborough, L.L.P.  
Meridan, 17<sup>th</sup> Floor  
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Columbia, SC 29201

Robert C. Calamari  
McAngus, Coudelock & Courie, LLC  
P.O. Box 1349  
Myrtle Beach, SC 29578

  
Vonja Szatkowski

Dated: April 3, 2013

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**PROOF OF SERVICE**

---

I, the undersigned, an employee of Richardson Plowden & Robinson, P.A., attorneys for Respondent Cincinnati Insurance Company, do hereby certify that I have this date served the foregoing **Initial Brief of Respondent** by personally depositing a copy of the same in a United States Postal Service mailbox, postage prepaid, addressed to the following:

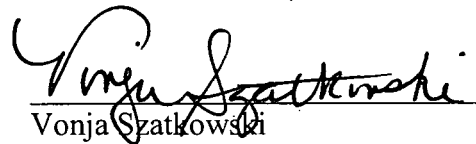
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P.O. Box 1349  
Myrtle Beach, SC 29578

  
Vonja Szatkowski

Dated: April 3, 2013

April 3, 2013

**Via Hand Delivery**

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Edgar Brown Building  
1205 Pendleton Street  
Columbia, SC 29201

**Re: Crossmann Communities of North Carolina, Inc. v. Cincinnati Insurance Company,  
et al; Civil Action No.: 2004-CP-26-0084**

**Appellate Case No. 2012-213245**

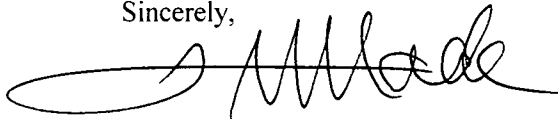
Dear Ms. Kitchings:

As counsel for the Respondent Cincinnati Insurance Company, I have enclosed for filing an original Initial Respondent's Brief as well as a Designation of Matter to be Included in the Record on Appeal in the above referenced matter, along with our original Certificates of Service for each. I have also enclosed an additional copy of our Initial Respondent's Brief and of our Designation of Matter and would request that these be file stamped and returned to our courier.

We are this day serving a copy of our Initial Respondent's Initial Brief and Designation of Matter on counsel of record.

Thank you for your assistance.

Sincerely,



Francis M. Mack

Encls.

cc: David B. Miller, Esq.  
Martin M. McNerney, Esq.  
Taylor Lankford, Esq.  
David L. Brown, Esq.  
C. Mitchell Brown, Esq.  
Robert C. Calamari, Esq.

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