

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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AUG 20 2021

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
The Honorable Bentley D. Price, Circuit Court Judge

SC Court of Appeals

Appellate Case No. 2020-001403
Lower Court Case No. 2019-CP-10-00105

Endre Tomaschek and Evan Tomaschek,

Appellants

v.

Edith C. Miller; Don L. Sumter; Carolina Elite Real Estate, LLC; Christopher Gibbs; Buzz Off TPC, LLC d/b/a Buzzoff Termite & Pest Control, LLC; GWS, Inc.; Gaynelle Whittle-Shipp; Stucco Inspector, LLC; Solid Ground Home Inspections, LLC; Jerry L. Anderson d/b/a "Anderson Roofing"; Delano M. Francis; and Robert Oliver d/b/a "Home Repair by Robert,"

Of Whom Solid Ground Home Inspections, LLC is the Respondent.

**DESIGNATION OF MATTERS TO BE INCLUDED IN THE RECORD ON APPEAL
ON BEHALF OF RESPONDENT SOLID GROUND HOME INSPECTIONS, LLC**

Pursuant to Rule 209, SCACR, Respondent Solid Ground Home Inspections, LLC designates the following items for inclusion in the Record on Appeal:

ORDERS:

1. February 20, 2020 Order Denying Respondent's Motion to Dismiss;
2. July 22, 2020 Form 4 Order Denying Respondent's Motion for Summary Judgment; and
3. September 30, 2020 Form 4 Order Granting Respondent's Motion for Reconsideration.

PLEADINGS AND MOTIONS:

4. Complaint, filed January 9, 2019;
5. First Amended Complaint, filed January 17, 2019;
6. All exhibits filed with the First Amended Complaint, filed January 17, 2019;
7. Solid Ground's Motion to Dismiss, filed April 29, 2019;
8. Solid Ground's Motion for Summary Judgment, filed November 13, 2019;
9. Solid Ground's Motion for Summary Judgment, and, in the alternative, Request for Declaratory Relief, filed February 19, 2020;
10. Solid Ground's Memorandum in Support of its Motion for Summary Judgment and, in the alternative, Request for Declaratory Relief, filed February 19, 2020;
11. All exhibits filed with Solid Ground's Memorandum in Support of its Motion for Summary Judgment and, in the alternative, Request for Declaratory Relief, filed February 19, 2020;
12. Hearing, Transcript, July 16, 2020;
13. Second Amended Complaint, filed July 24, 2020;
14. All exhibits filed with the Second Amended Complaint, filed July 24, 2020;
15. Solid Ground's Motion to Reconsider, filed August 4, 2020;
16. Hearing, Transcript, September 23, 2020;
17. Any attachments filed with the above designated matters;
18. The Charleston County Clerk's Office Public Index of docket entries for Case Number 2019-CP-10-00105; and

OTHER:

19. The Deposition Transcript of Christopher Gibbs, October 2, 2019.

(signature page to follow)

I certify that this designation of matter to be included in the record on appeal contains no matter which is irrelevant to this appeal.

Respectfully submitted,

Alan R. Belcher, Jr., Esquire, Bar No. 71686
Connor E. Johnson, Esquire, Bar No. 103111
111 Coleman Boulevard, Suite 301
Mount Pleasant, South Carolina 29464
Telephone: (843) 720-3460
alan.belcher@hallboothsmith.com
cjohnson@hallboothsmith.com
*Attorneys for Respondent-Petitioner Solid Ground
Home Inspections, LLC*

This 17th day of August, 2021.

COUNSEL OF RECORD:

Frederick Elliott Quinn, IV, Esquire
103 Grandview Drive, Suite A
Summerville, SC 29483
843-871-6522

Ryan Christopher Andrews, Esquire
222 W. Coleman Blvd.
Mt. Pleasant, SC 29464
843-936-667

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Of Whom Solid Ground Home Inspections, LLC is the Respondent.

PROOF OF SERVICE

I certify that I have served the Designation of Matter to be Included in the Record on Appeal upon the Appellants by U.S. Mail and/or electronic on August 17, 2021, addressed to attorneys of record, Frederick Elliott Quinn, IV, Esquire, 103 Grandview Drive, Suite A, Summerville, SC 29483 and Ryan Christopher Andrews, Esquire, 222 W. Coleman Blvd., Mt. Pleasant, SC 29464.

HALL BOOTH SMITH, P.C.

By: /s/ Bonnie Ellenberger
Bonnie Ellenberger
Legal Assistant

COUNSEL OF RECORD:

Frederick Elliott Quinn, IV, Esquire
The Steinberg Law Firm, LLP
103 Grandview Drive, Suite A
Summerville, SC 29483
843-871-6522
equinn@steinberglawfirm.com

Ryan C. Andrews, Esquire
Cobb Dill & Hammett, LLC
222 W. Coleman Blvd.
Mt. Pleasant, SC 29464
843-936-6674
randrews@cdhlawfirm.com

Attorneys for Appellants



HALL BOOTH SMITH, P.C.
ATTORNEYS AT LAW

Connor E. Johnson
Phone: (843) 720-3487
ConnorJohnson@hallboothsmith.com

111 Coleman Boulevard
Suite 301
Mount Pleasant, SC 29464

Office: (843) 720-3460
www.hallboothsmith.com

August 17, 2021

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SC Court of Appeals

Via U.S. Mail and E-Mail:

Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org

RE: Tomaschek v. Solid Ground Home Inspection
Case No.: 2019-CP-10-00105
Appellate Case No.: 2020-001403

Dear Hon. Clerk Kitchings:

Enclosed please find the Initial Brief of the Respondent and the Respondent's Designation of Matter to be Included in the Record on Appeal.

Sincerely,

Connor E. Johnson

Enclosures

MOUNT PLEASANT, SC

ALABAMA | GEORGIA | FLORIDA | NEW JERSEY | NORTH CAROLINA | SOUTH CAROLINA | TENNESSEE

HALL BOOTH SMITH, P.C.

CC: VIA EMAIL AND US MAIL COUNSEL OF RECORD:

Frederick Elliott Quinn, IV, Esquire
The Steinberg Law Firm, LLP
103 Grandview Drive, Suite A
Summerville, SC 29483
843-871-6522
equinn@steinberglawfirm.com

Ryan C. Andrews, Esquire
Cobb Dill & Hammett, LLC
222 W. Coleman Blvd.
Mt. Pleasant, SC 29464
843-936-6674
randrews@cdhlawfirm.com



H|B|S HALL BOOTH SMITH, P.C.
111 Coleman Boulevard
Suite 301
Mount Pleasant, SC 29564

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JUN 20 2011
SC Court of Appeals

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Clerk of Court
South Carolina Court of Appeals
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Columbia, SC 29211

