

RECEIVED

Dec 06 2021

SC Court of Appeals

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

**APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas**

The Honorable Jennifer B. McCoy, Circuit Court Judge

**Case No. 2016-CP-10-1833
Appellate Case No. 2021001055**

Andrew and Kimberly McIntire..... *Appellants,*

v.

Sequest Development Company, Inc.; Red Bay Constructors Corp.; Benzenberg Custom Cabinets, Inc.; Jonathan Marshall Construction; Coastal Window & Door Center of Charleston, LLC; Carolina Window & Millwork-Omni Glass Industries, LLC; Southcoast Exteriors, Inc.; Michael Casteen d/b/a Casteen Custom Cabinets; Quality Cedar Products, Inc. of Michigan d/b/a/ Michigan Prestain Co.; Coastal Plumbing & Gas, LLC; Foam Insulation Co. Inc.; Jerry Comer d/b/a/ Jerry’s Tile & Marble, LLC; Lowcountry Fireplaces, Inc.; Carolina Pest Solutions, Inc.; New South Construction Supply, LLC, Defendants,

AND

Sequest Development Company, Inc. Third-Party Plaintiff/*Appellant,*

v.

Architectural Products of Charleston, LLC, and Sealtight of South Carolina, LLC, Third-Party Defendants,

of which Red Bay Constructors Corp.; Benzenberg Custom Cabinets, Inc.; Jonathan Marshall Construction; Coastal Window & Door Center of Charleston, LLC; Carolina Window & Millwork-Omni Glass Industries, LLC; Southcoast Exteriors, Inc.; Michael Casteen d/b/a Casteen Custom Cabinets; Quality Cedar Products, Inc. of Michigan d/b/a/ Michigan Prestain Co.; Coastal Plumbing & Gas, LLC; Foam Insulation Co. Inc.; Jerry Comer d/b/a/ Jerry’s Tile & Marble, LLC; Lowcountry Fireplaces, Inc.; Carolina Pest Solutions, Inc.; and New South Construction Supply, LLC are the*Respondents.*

**APPELLANTS ANDREW & KIMBERLY McINTIRE’S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellants assert the following documents should be included in the Record on Appeal:

1. Summons and Complaint, with all supporting exhibits, dated April 7, 2016;
2. Affidavit of Service of Southcoast Exteriors, Inc. dated July 20, 2016;
3. Plaintiffs' Motion to Stay and to Compel Arbitration, with all supporting exhibits, dated July 27, 2016;
4. Seaquest Development Company, Inc.'s Notice of Motion and Motion to Dismiss or Stay Proceedings, with all supporting exhibits, dated June 17, 2016;
5. Red Bay Constructors Corp.'s Notice of Motion and Motion to Dismiss or For Stay of Proceedings, with all supporting exhibits, dated June 22, 2016;
6. Hearing Transcript of October 13, 2016 hearing [Hon. Ret. Chief Justice Toal];
7. Form 4 Judgment in A Civil Case [Hon. Ret. Chief Justice Toal] dated 1/17/17 (filed May 1, 2017)
8. Order of Dismissal [Hon. Ret. Chief Justice Toal] dated 1/17/17 (filed May 1, 2017);
9. Notice of Appeal (Appeal No. 2017-001270) dated May 30, 2017;
10. S.C. Court of Appeals Opinion (No. 2019-UP-413) dated December 31, 2019;
11. Plaintiffs' and Seaquest Development Company, Inc.'s Joint Motion for Clarification, with all supporting exhibits, dated February 16, 2021;
12. Memorandum in Opposition to Plaintiffs' and Seaquest Development Company, Inc.'s Joint Motion for Clarification, with all supporting exhibits, dated March 4, 2021;
13. Sealtight of South Carolina, LLC's Memorandum in Opposition to Joint Motion for Clarification, with all supporting exhibits, dated March 4, 2021;
14. Joint Reply Memorandum in Support of Motion for Clarification, with all supporting exhibits, dated March 12, 2021;
15. Informal Ruling (*via email*) by Hon. Roger M. Young, Sr. dated February 19, 2021;
16. Email of Hon. Roger M. Young, Sr. dated May 3, 2021;
17. Email of Hon. Roger M. Young, Sr.'s Law Clerk dated March 4, 2021;
18. Hearing Transcript of April 22, 2021 hearing [Hon. Jennifer B. McCoy]
19. Form 4 – Order Denying Joint Motion for Clarification dated August 19, 2021;
20. Order Denying Joint Motion for Clarification [Hon. Jennifer B. McCoy] dated August 23, 2021;

21. Notice of Appeal dated September 20, 2021; and
22. Initial Brief of Appellant [in Appeal No. 2017-001270].

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

Respectfully submitted:

EPTING & RANNIK, LLC

This 6th day of December, 2021
Charleston, South Carolina

/s/ Jaan Rannik
Jaan G. Rannik
46A State Street
Charleston, SC 29401
Phone: 843-377-1871
Fax: 843-377-1310
jgr@epting-law.com

ATTORNEYS FOR PLAINTIFFS/APPELLANTS