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Jan 04 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
In the Court of Common Pleas

Michael G. Nettles, Circuit Court Judge

Common Please Case No. 2018-CP-22-824

Appellate Case No. 2021-000325

Evarista Juan Lorenzo, Appellant,

v.

Port City Elevator, Inc.; Alan Topper d/b/a All Construction; 2020 Custom Contractors a/k/a 2020 Custom Contractors, LLC; Citadel Site Management, LLC; DVBT Construction a/k/a DVBT Construction, LLC, DVBT Multiservices, LLC; Beverly Construction Group, LLC; Beverly Homes, LLC; Beverly Homebuilders, LLC; Strand Pain Contractors, LLC; Depaz Painting, LLC; Enhanced Heating & Air Conditioning, LLC; Carlton Pender, and Joan Pender, Defendants,

Of Which,

Alan Topper d/b/a All Construction; Citadel Site Management, LLC; DVBT Construction a/k/a DVBT Construction, LLC, DVBT Multiservices, LLC; Beverly Homes, LLC; Beverly Homebuilders, LLC; Strand Paint Contractors, LLC; Depaz Painting, LLC and Enhanced Heating & Air Conditioning, LLC are the Respondents.

**RESPONDENT BEVERLY HOMES, LLC'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

s/David S. Cobb
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January 4, 2022

ATTORNEYS FOR RESPONDENT
BEVERLY HOMES, LLC

Designation of Matter

1. Order filed January 12, 2021 (with all exhibits)
2. Defendant Beverly Construction Group, LLC's Notice of Motion and Rule 12(b)(6) Motion to Dismiss in Lieu of Answer
3. Affidavit of Carlton Pender
4. Appellant's Memorandum in Opposition to Defendants' Carlton Pender and Joan Pender's Motion to Dismiss filed March 11, 2020
5. Deposition of Forrest Beverly
6. Deposition of Randy Beverly
7. Deposition of Rebecca Beverly
8. Deposition of Jonathan Martin, page 6, line 8-page 8, line 5; page 40, lines 16-19
9. Jonathan Martin pay stubs from Beverly Construction Group, LLC
10. Port City Elevators subcontract with Beverly Construction Group, LLC
11. Port City Elevators invoice to Beverly Construction Group, LLC dated March 10, 2017
12. Beverly Construction Group, LLC's cancelled checks paid to Port City Elevators
13. "Builder Warrantee" document
14. Beverly Construction Group, LLC's cancelled check paid to Georgetown County for building permit of Pender home
15. Georgetown County Building Permit Application for Pender home
16. Limited Warranty Deed (Instrument: 201400003512) filed with Georgetown County Register of Deeds for Pender purchase of lot
17. Georgetown County Tax Payment Records for Penders on lot

18. Beverly Construction Group, LLC's cancelled checks paid to Santee Cooper
19. Affidavit of Rebecca Beverly
20. Beverly Construction Group, LLC's cancelled checks paid to B&A Quality Construction
21. Beverly Construction Group, LLC's cancelled checks paid to Strand Engineering
22. Beverly Construction Group, LLC's cancelled checks paid to Faith Landscaping
23. Beverly Construction Group, LLC's cancelled checks paid to Palmetto Concrete
24. Beverly Construction Group, LLC's cancelled checks paid to Gale Contractor Services
25. Beverly Construction Group, LLC's cancelled checks paid to 2020 Custom Contractors
26. Beverly Homes, LLC's Answer to Second Amended Complaint.
27. Appellant's Memorandum In Opposition to Defendant Beverly Homes, LLC's Motion for Summary Judgment (filed March 23, 2020)
28. Defendant Beverly Homes, LLC's Memorandum In Support of Its Motion to Dismiss (filed October 19, 2020)
29. Appellant's Memorandum In Opposition to Defendant Beverly Homes, LLC's Rule 12(b)(1) Motion to Dismiss (filed September 30, 2020);
30. Transcript of Record for December 4, 2020 hearing on Rule 12(b)(1);
31. Appellant's Supplemental Memorandum In Opposition to Defendant Beverly Homes, LLC's Rule 12(b)(1) Motion to Dismiss (filed December 9, 2020) (five days after the motion hearing);
32. Appellant's Notice of Motion and Motion to Reconsider, Alter, or Amend with Appellant's Memorandum of Law In Support (filed January 24, 2021); and
33. Transcript of Record for February 23, 2021 hearing on Appellant's Motion to Reconsider, Alter, or Amend.

34. Order filed September 11, 2020 (Beverly Construction Group, LLC)
35. Deposition of Robin Roberts, page 162, lines 1-18; page 164, lines 3-4; page 175, line 12-page 178, line 23; page 179, line 23-page 184, line 4; page 182, lines 7-10
36. Appellant's Memorandum in Opposition to Defendant Beverly Homes, LLC's Motion for Reconsideration filed June 19, 2020)
37. Deposition of Gerald Rion, page 93, lines 6-16
38. Contract between Carlton and Joan Pender and Beverly Construction Group, LLC (including Specifications)

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Of Which,

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**I CERTIFY THAT THIS DESIGNATION DOES NOT CONTAIN ANY
MATTER THAT IS IRRELEVANT TO THIS APPEAL**

s/David S. Cobb

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PROOF OF SERVICE

The undersigned, certifies that she served a copy of **Respondent Beverly Homes, LLC's Designation of Matter to be Included in the Record on Appeal** upon all other counsel of record by emailing a copy to:

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January 4, 2022

s/Heather Hagen

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