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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

Alexander S. Macaulay, Presiding Judge Seventh Judicial Circuit

Appellate Case No.: 2012-213237

Stoneledge at Lake Keowee Owners' Association, Inc., C. Dan Carson, Jeffrey J. Dauler, Joan W. Davenport, Michael Furnari, Donna Furnari, Jessy B. Grasso, Nancy E. Grasso, Robert P. Hayes, Lucy H. Hayes, Ty Hix, Jennifer D. Hix, Paul W. Hund, III, Ruth E. Isaac, Michael D. Plourde, Mary Lou Plourde, Carol C. Pope, Steven B. Taylor, Bettie J. Taylor, and Robert White, Individually, and on behalf of all others similarly situated, Plaintiffs,

v.

IMK Development, Co., LLC, Keowee Townhouses, LLC, Ludwig Corporation, LLC, SDI Funding, LLC, Medallion at Keowee, LLC, Bostic Brothers Construction, Inc., Miller/Players & Associates, Bradford D. Seckinger, John Ludwig, William Cox, Larry D. Lollis, Rick Thoennes, M Group Construction and Development, LLC, Mel Morris, Joe Bostic, Jeff Bostic, Clear View Construction, Michael Franz, MHC Contractors, Miguel Porras Choncoas, Builders FirstSource Southeast Group, Mike Green, Southern Concrete Specialties, Carl Compton d/b/a Compton Enterprise d/b/a Compton Enterprises, Gunter Heating & Air, All Pro Heating, A/C & Refrigeration, LLC, Coleman Waterproofing, Heyward Electrical Services, Inc., Tinsley Electrical, LLC, Hutch N Son Construction, Inc. T.G. Construction, LLC, Delfino Construction, Francisco Javier Zarate d/b/a Zarate Construction, Alejandro Avalos Cruz, Herberto Acros Hernandez, Martin Hernandez-Aviles, Francisco Villalobos Lopez, Ambrosio Martinez-Ramirez, Ester Moran Mentado, Socorro Castillo, Montel, Upstate Utilities, Inc., MJG Construction and Homebuilders, Inc. d/b/a MJG Construction, KMAC of the Carolinas, Inc., Eufacio Garcia Everado Jarmamillo, Garcia Parra Insulation, Inc., J&J Construction, Jose Nino, Jose Manuel Garcia, Eason Construction, Inc., and Vincent Morales d/b/a Morales Masonry, and Miller/Player & Associates, Defendants,

Of Whom Marick Home Builders, LLC and Rick Thoennes are the Appellants,

• And

Of Whom Hutch N Son Construction, Inc. and Upstate Utilities, Inc. are the Respondents.

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

Respondent proposes the following to be included in the Record on Appeal:

Orders

1. Order Granting Defendants Hutch N Son Construction, Inc. and Upstate Utilities, Inc.'s Motions for Summary Judgment filed September 25, 2012

Pleadings

2. Marick Home Builders, LLC's Answer to Plaintiff's First Amended Complaint and Amended Third-Party Complaint Against Michael Franz, Clearview Construction, Miguel Porras Choncoas, MHC Contractors, Miller/Player & Associates, Builders FirstSource Southeast Group, Southern Concrete Specialties, Carl Compton d/b/a Compton Enterprize a/k/a Compton Enterprises, Gunter Heating & Air, All Pro Heating, A/C & Refrigeration, LLC, Coleman Waterproofing, Heyward Electrical Services, Tinsley Electrical, LLC and Hutch N Son Construction dated February 4, 2011
3. Third Amended Complaint of Stoneledge at Lake Keowee Owners' Association, Inc. dated April 3, 2012
4. Answer to Third Amended Complaint and Cross Claims of Marick Home Builders, LLC dated April 5, 2012

Transcripts

5. Transcript of Proceedings for Hearing on Hutch N Son Construction, Inc. and Upstate Utilities, Inc.'s Motions for Summary Judgment, dated September 5, 2012, pp. 35-55.

Motions

6. Upstate Utilities, Inc.'s Notice of Motion and Motion for Summary Judgment, filed June 1, 2012
7. Upstate Utilities, Inc.'s Notice of Motion and Motion for Summary Judgment as to Equitable Indemnity, filed August 21, 2012

8. Upstate Utilities, Inc.'s Memorandum in Support of Summary Judgment, filed July 16, 2012
9. Hutch N Son Construction, Inc.'s Notice of Motion and Motion for Summary Judgment and to Join Upstate Utilities, Inc.'s Motion for Summary Judgment, filed August 10, 2012
10. Hutch N Son Construction, Inc.'s Memorandum in Support of Motion for Summary Judgment, filed September 4, 2012, with Exs. A - D
11. Marick Home Builders, LLC's Opposition Memorandum dated September 4, 2012/filed March 13, 2013

**Other
Materials**

12. Affidavit of Rhett Whitlock dated March 14, 2012
13. Affidavit of Donny White dated August 23, 2012
14. Affidavit of Glenn Stewart, M.E., P.E. dated August 30, 2012
15. September 17, 2012 Email Correspondence from Gallivan, White & Boyd, P.A. (Counsel for Hutch N Son Construction, Inc.) to the Honorable Alexander S. Macaulay with copy to all counsel of record
16. March 5, 2013 Correspondence to Ward Law Firm (Counsel for Marick Home Builders, LLC) from Gallivan, White & Boyd, P.A. (Counsel for Hutch N Son Construction, Inc.)
17. March 11, 2013 Correspondence to Gallivan, White & Boyd, P.A. (Counsel for Hutch N Son Construction, Inc.) from Ward Law Firm (Counsel for Marick Home Builders, LLC)
18. March 11, 2013 Correspondence to the Honorable Alexander S. Macaulay from Ward Law Firm (Counsel for Marick Home Builders, LLC)

Pursuant to Rule 209(c), SCACR, counsel for Respondent certifies that this Designation contains no matter that is irrelevant to this appeal.

Respectfully Submitted,

GALLIVAN, WHITE & BOYD, P.A.

BY:



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**ATTORNEYS FOR RESPONDENT
HUTCH N SON CONSTRUCTION, INC.**

Columbia, South Carolina
April 22, 2013.