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Feb 28 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
South Carolina Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

2021-001050

The Retreat at Charleston National Country Club Home Owners Association, Inc., and The Retreat at Charleston National Country Club Horizontal Property Regime..... Plaintiffs,

v.

Winston Carlyle Charleston National, LLC; Colin R. Campbell Construction, Inc.; Colin Campbell, individually; Builders FirstSource-Southeast Group, LLC; Builders FirstSource, Inc.; Americo Roofing Concepts, Inc.; DVS, Inc.; Advanced Building Connection, LLC; Guy C. Lee Building Materials, LLC; WS Contractors, LLC; Dino Schwartz, Individually; Charleston Exteriors, LLC; ECC Contracting, LLC; Hurley Services, LLC; McDaniel Construction Co., LLC; AC Construction Corp.; AC Construction, Inc.; L&G Construction Group, LLC; Liollo Architecture; JC Contractors, LLC; Soto & Vasquez Construction, LLC; Costa De Oliveira Construction, LLC; Solesmar Jesus De Oliveria; Wilson Lucas Sales d/b/a Miracle Siding; Miracle Siding, LLC; Royal Homes of SC, Inc.; Collen Batissa; Christopher Batissa; Norma Ferreira Bruno; Mendez Construction, LLC; Juan Garza Ramos, individually; Juan Garza Ramos d/b/a Juan Constructors; Jessica Marroquin, individually; Jessica Marroquin d/b/a Marroquin Construction; Carlos Marroquin, individually; Carlos Marroquin Construction; Carlos and Jessica Marroquin d/b/a Marroquin Construction; Feliciano Cruz Silva; Garcia Roofing, LLC; Givair De Caris; and Mario Salgado..... Defendants,

Builders FirstSource-Southeast Group, LLC.....Third-Party Plaintiff, Appellant,

v.

Pohlman Quality Contractors; Pohlman Quality Exteriors; Palmetto Trim and Renovation; Edward Bruce Witham; and East Coast Carpentry.....Third-Party Defendants,

Of which Palmetto Trim and Renovation; Hurley Services, LLC; ECC Contracting, LLC; East Coast Carpentry; AC Construction, Inc.; WS Contractors, LLC;

Pohlman Quality Exteriors, Inc.; and L&G Construction Group, LLC are the .....Respondents.

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DESIGNATION OF MATTER TO BE INCLUDED  
IN THE RECORD ON APPEAL

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Appellant proposes the following be included in the Record on Appeal:

1. Plaintiffs' Fourth Amended Complaint, filed March 12, 2019.
2. Builders FirstSource, Southeast Group, LLC's Amended Answer to Plaintiffs' Fourth Amended Complaint, with Cross Claims and Third-Party Claims, filed November 13, 2021.
3. East Coast Carpentry Contract with Builders FirstSource – Southeast Group, LLC dated October 21, 2005.
4. Palmetto Trim Contract with Builders FirstSource – Southeast Group, LLC dated May 16, 2005.
5. ECC Contracting, LLC Contract with Builders FirstSource – Southeast Group, LLC dated February 26, 2008.
6. WS Contractors, LLC Contract with Builders FirstSource – Southeast Group, LLC dated September 24, 2012.
7. Hurley Services, LLC Contract with Builders FirstSource – Southeast Group, LLC dated May 14, 2012
8. Pohlman Quality Exteriors, Inc. Contract with Builders FirstSource – Southeast Group, LLC dated August 18, 2006.
9. Palmetto Trim Motion for Summary Judgment filed December 20, 2019
10. Palmetto trim Amended Motion for Summary Judgment filed October 22, 2020
11. East Coast Carpentry Motion for Summary Judgment filed January 7, 2020
12. East Coast Carpentry Amended Motion for Summary Judgment filed October 15, 2020.
13. East Coast Carpentry Memorandum in Support of Motion for summary judgment filed October 30, 2020.
14. ECC Contracting, LLC Motion for Summary Judgment filed December 20, 2019,
15. ECC Contracting, LLC Amended Motion for summary judgment filed October 15, 2020
16. ECC Contracting, LLC's Memorandum in Support of its Motion for Summary Judgment, filed October 23, 2020.
17. WS Contractors, LLC Motion for Summary Judgment filed January 22, 2020
18. WS Contractors, LLC Amended Motion for Summary Judgment filed January 23, 2020

19. WS Contractors, LLC Second Amended Motion for Summary Judgment filed October 19, 2020
20. WS Contractors, LLC Memorandum in Support of Its Motion for Summary Judgment, filed October 30, 2020
21. Hurley Services, LLC Motion for Summary Judgment filed August 27, 2020
22. Hurley Services, LLC Amended Motion for Summary Judgment filed October 7, 2020.
23. Hurley Services, LLC Memorandum in Support of its Amended Motion for Summary Judgment filed October 22, 2020
24. Builders FirstSource – Southeast Group, LLC Memorandum in Opposition to Hurley Services, LLC Amended Motion for Summary Judgment, filed November 2, 2020.
25. L&G Construction Group, LLC Motion Joining the Motions for Summary Judgment of East Coast Carpentry and WS Contractors, filed October 21, 2020
26. Pohlman Quality Exteriors, Inc. Motion for Summary Judgment filed October 22, 2020
27. Pohlman Quality Exteriors, Inc. Amended Motion for Summary Judgment filed October 22, 2020.
28. Pohlman Quality Exteriors, Inc. Memorandum in Support of its Amended Motion for Summary Judgment filed October 29, 2020.
29. Builders FirstSource – Southeast Group, LLC Memorandum in Opposition to Pohlman Quality Exteriors, Inc. Second Amended Motion for Summary Judgment, filed November 2, 2020.
30. AC Construction Motion for Summary Judgment filed October 29, 2020
31. Stephen P. Hughes Letter to Court dated November 5, 2020, with exhibit.
32. Transcript of Hearing dated November 6, 2020.
33. Form 4 Order dated May 10, 2021 granting Hurley Services Partial Summary Judgment
34. Form 4 Order dated May 10, 2021 granting East Coast Carpentry Partial Summary Judgment
35. Form 4 Order dated May 10, 2021 granting Palmetto Trim Partial Summary Judgment
36. Form 4 Order dated May 10, 2021 granting ECC Partial Summary Judgment
37. Form 4 Order dated May 10, 2021 granting AC Construction Partial Summary Judgment
38. Form 4 Order dated May 10, 2021 granting WS Contractors Summary Judgment
39. Form 4 Order dated May 10, 2021 granting Pohlman Quality Exteriors Partial Summary Judgment
40. Order granting Hurley Services Partial Summary Judgment dated July 7, 2021

41. Order granting East Coast Carpentry Partial Summary Judgment dated July 29, 2021
42. Order granting Palmetto Trim Partial Summary Judgment dated July 26, 2021
43. Order granting ECC Partial Summary Judgment dated July 7, 2021
44. Order granting AC Construction Partial Summary Judgment dated July 7, 2021
45. Order granting WS Contractors Summary Judgment dated July 29, 2021
46. Order granting L&G Partial Summary Judgment dated July 7, 2021
47. Order granting Pohlman Quality Exteriors Partial Summary Judgment dated July 7, 2021
48. Builders FirstSource – Southeast Group, LLC Motion to Reconsider Order Granting in Part AC Construction’s Motion for Summary Judgment, filed July 19, 2021
49. Builders FirstSource – Southeast Group, LLC Motion to Reconsider Order Granting in Part ECC’s Motion for Summary Judgment, filed July 19, 2021.
50. Builders FirstSource – Southeast Group, LLC Motion to Reconsider Order Granting Partial Summary Judgment to Hurley Services, LLC filed July 19, 2021.
51. Builders FirstSource – Southeast Group, LLC Motion to Reconsider Order Granting Partial Summary Judgment to Pohlman Quality Exteriors, Inc., filed July 19, 2021.
52. Builders FirstSource – Southeast Group, LLC Motion to Reconsider Order Granting in Part L&G Construction Group, LLC’s Motion for Summary Judgment, filed July 19, 2021.
53. Builders FirstSource – Southeast Group, LLC Motion to Reconsider Order Granting Partial Summary Judgment to Palmetto Trim and Renovations, filed August 5, 2021
54. Builders FirstSource – Southeast Group, LLC Motion to Reconsider Order Granting Partial Summary Judgment to East Coast Carpentry, filed August 9, 2021
55. Builders FirstSource – Southeast Group, LLC Motion to Reconsider Order Granting Summary Judgment to WS Contractors, LLC filed August 9, 2021
56. Form 4 Order dated August 23, 2021 denying Builders FirstSource – Southeast Group Motion to Reconsider Order Granting in Part ECC’s Motion for Summary Judgment
57. Form 4 Order dated August 23, 2021 denying Builders FirstSource – Southeast Group, LLC Motion to Reconsider Order Granting Partial Summary Judgment to East Coast Carpentry
58. Form 4 Order dated August 23, 2021 denying Builders FirstSource – Southeast Group, LLC Motion to Reconsider Order Granting in Part AC Construction’s Motion for Summary Judgment

59. Form 4 Order dated August 23, 2021 denying Builders FirstSource – Southeast Group, LLC Motion to Reconsider Order Granting Partial Summary Judgment to Palmetto Trim and Renovations
60. Form 4 Order dated August 23, 2021 denying Builders FirstSource – Southeast Group, LLC Motion to Reconsider Order Granting Partial Summary Judgment to Hurley Services, LLC
61. Form 4 Order dated August 23, 2021 denying Builders FirstSource – Southeast Group, LLC Motion to Reconsider Order Granting Summary Judgment to WS Contractors, LLC
62. Form 4 Order dated August 23, 2021 denying Builders FirstSource – Southeast Group, LLC Motion to Reconsider Order Granting in Part L&G Construction Group, LLC's Motion for Summary Judgment
63. Form 4 Order dated August 23, 2021 denying Builders FirstSource – Southeast Group, LLC Motion to Reconsider Order Granting Partial Summary Judgment to Pohlman Quality Exteriors, Inc.
64. Amended Order of Judge Newman filed February 3, 2020 in Builders FirstSource – Southeast Group, LLC v. MI Windows and Doors et al.
65. Order of Judge Young filed April 29, 2020 in Six Fifty Six Owners Association, Inc., et al. v. Windsor South, LLC, et al., Civil Action No. 2016-CP-10-3455
66. Judge McCoy, Pavic v. Carolina Cottage Homes, LLC, et al., Civil Action No. 2019-CP-10-00772

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

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THE STATE OF SOUTH CAROLINA  
South Carolina Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
Honorable Jennifer B. McCoy, Circuit Court Judge

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2021-001050

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The Retreat at Charleston National Country Club Home Owners Association, Inc., and The Retreat at Charleston National Country Club Horizontal Property Regime, Plaintiffs, v. Winston Carlyle Charleston National, LLC; Colin R. Campbell Construction, Inc.; Colin Campbell, individually; Builders FirstSource-Southeast Group, LLC; Builders FirstSource, Inc.; Americo Roofing Concepts, Inc.; DVS, Inc.; Advanced Building Connection, LLC; Guy C. Lee Building Materials, LLC; WS Contractors, LLC; Dino Schwartz, Individually; Charleston Exteriors, LLC; ECC Contracting, LLC; Hurley Services, LLC; McDaniel Construction Co., LLC; AC Construction Corp.; AC Construction, Inc.; L&G Construction Group, LLC; Liollo Architecture; JC Contractors, LLC; Soto & Vasquez Construction, LLC; Costa De Oliveira Construction, LLC; Solesmar Jesus De Oliveria; Wilson Lucas Sales d/b/a Miracle Siding; Miracle Siding, LLC; Royal Homes of SC, Inc.; Collen Batissa; Christopher Batissa; Norma Ferreira Bruno; Mendez Construction, LLC; Juan Garza Ramos, individually; Juan Garza Ramos d/b/a Juan Constructors; Jessica Marroquin, individually; Jessica Marroquin d/b/a Marroquin Construction; Carlos Marroquin, individually; Carlos Marroquin Construction; Carlos and Jessica Marroquin d/b/a Marroquin Construction; Feliciano Cruz Silva; Garcia Roofing, LLC; Givair De Caris; and Mario Salgado; Defendants,

Builders FirstSource-Southeast Group, LLC, Third-Party Plaintiff,  
Appellant,

v.

Pohlman Quality Contractors; Pohlman Quality Exteriors; Palmetto Trim and Renovation; Edward Bruce Witham; and East Coast Carpentry, Third-Party Defendants,

Of which Palmetto Trim and Renovation; Hurley Services, LLC; ECC Contracting, LLC; East Coast Carpentry; AC Construction, Inc.; WS Contractors, LLC; Pohlman Quality Exteriors, Inc.; and L&G Construction Group, LLC are the Respondents.

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CERTIFICATE OF SERVICE

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The undersigned counsel hereby certifies that he has served the foregoing “Initial Brief of Appellant” and Appellant’s “Designation of Matter” upon all counsel of record via electronic mail only, to counsels’ last known email address on this 28th day of February, 2022 addressed to the following:

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February 28, 2022

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\* Certified Mediator

Catherine L. Floeder (Of Counsel)

February 28, 2022  
VIA EMAIL ONLY

Hon. Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

Re: The Retreat at Charleston National Country Club Home Owners  
Association, Inc., and The Retreat at Charleston National Country Club  
Horizontal Property  
Regime..... Plaintiffs,

v.

Winston Carlyle Charleston National, LLC; Colin R. Campbell Construction, Inc.;  
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Corp.; AC Construction, Inc.; L&G Construction Group, LLC; Liollo Architecture;  
JC Contractors, LLC; Soto & Vasquez Construction, LLC; Costa De Oliveira  
Construction, LLC; Solesmar Jesus De Oliveria; Wilson Lucas Sales d/b/a  
Miracle Siding; Miracle Siding, LLC; Royal Homes of SC, Inc.; Collen Batissa;  
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Marroquin, individually; Carlos Marroquin Construction; Carlos and Jessica  
Marroquin d/b/a Marroquin Construction; Feliciano Cruz Silva; Garcia Roofing,  
LLC; Givair De Caris; and Mario Salgado..... Defendants,

Builders FirstSource-Southeast Group, LLC.....Third-Party Plaintiff, Appellant,