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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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

Civil Action No. 2016-CP-10-03738
Appellate Case No. 2021-003783

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.; Colleen 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,

of which Hurley Services, LLC is theRespondent,

AND

Builders FirstSource-Southeast Group, LLC is theAppellant.

DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL

In addition to the matter designated by Appellant, Respondent proposes the following by included in the Record on Appeal:

1. Exhibits A-F attached to Memorandum of Hurley Services, LLC filed October 22, 2020, in support of its amended motion for summary judgment
2. Master Subcontractor Agreement between Hurley Services, LLC and Builders FirstSource-Southeast Group, LLC dated December 18, 2014
3. Answers of Builders FirstSource-Southeast Group, LLC dated February 26, 2018 to interrogatories of Hurley Services, LLC
4. Supplemental answers of Builders FirstSource-Southeast Group, LLC dated June 7, 2018 to interrogatories of Hurley Services, LLC
5. Supplemental responses of Builders FirstSource-Southeast Group, LLC dated June 8, 2018 to request for production of Hurley Services, LLC
6. Purchase orders of Builders FirstSource-Southeast Group, LLC to Hurley Services, LLC
7. Excerpts from deposition of Terry Rosamond dated May 3, 2018, pages 1-9, 28-30

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

CLARKE, JOHNSON, PETERSON & McLEAN, P.A.

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Florence, South Carolina

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of which Hurley Services, LLC is theRespondent,

AND

Builders FirstSource-Southeast Group, LLC is theAppellant.

PROOF OF SERVICE

The undersigned counsel hereby certifies that he has served the foregoing Initial Brief of Respondent and Designation of Matter To Be Included In The Record On Appeal upon all counsel of record by email on this 21 day of March, 2022 addressed to the following:

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March 21, 2022

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VIA EMAIL

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

RE: The Retreat at Charleston National Country Club HOA
vs. Builders FirstSource-Southeast Group, et al.
Civil Action No. 2016-CP-10-03783
Appellate Case No. 2021-003783
Our File No. 17-163

Dear Ms. Kitchings:

I hope this letter finds you well.

Please find enclosed herewith for filing in regard to the above-referenced matter:

- (1) Initial Brief of Respondent;
- (2) Designation of Matter to be Included in the Record on Appeal; and
- (3) Proof of Service

I would appreciate your filing the enclosed brief and returning a clocked copy to me by email.

By copy of this letter to counsel for Appellant, I am serving them with a copy of same by electronic mail and US mail.

Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
March 21, 2022

I am also serving counsel for the other consolidated Respondents by electronic mail.

With kind regards

Yours very truly,



FINLEY B. CLARKE

FBC:ktb

Enclosures

cc via US mail and email: Stephen P. Hughes, Esquire
Mary Bass Lohr, Esquire
William H. (Witt) Cox, III, Esquire
Catherine L. Floeder, Esquire

cc via email: All other counsel of record