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Mar 28 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
South Carolina Court of Appeals

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

2021-001050

The Retreat at Charleston National County 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; Costa De Oliverira Construction, LLC; Solesmar Jesus De Oliverira; 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 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 CarpentryThird-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,

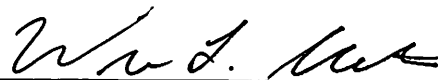
DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL

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

1. Pohlman Quality Exteriors, Inc. Contract with Builders FirstSource – Southeast Group, LLC dated August 18, 2006.
2. Plaintiffs' Fourth Amended Complaint filed March 12, 2019.
3. Builders FirstSource – Southeast Group, LLC's Amended Answer to Plaintiffs' Fourth Amended Complaint, and Reasserted And/Or Other Cross Claims of Builders FirstSource – Southeast Group, LLC Against Pohlman Quality Exteriors, Inc. filed on November 11, 2019.
4. Pohlman Quality Exteriors, Inc. Motion for Summary Judgment filed October 22, 2020.
5. Pohlman Quality Exteriors, Inc. Amended Motion for Summary Judgment filed October 22, 2020.
6. Pohlman Quality Exteriors, Inc. Memorandum in Support of its Amended Motion for Summary Judgment filed October 29, 2020.
7. Builders FirstSource – Southeast Group, LLC Memorandum in Opposition to Pohlman Quality Exteriors, Inc. Second Amended Motion for Summary Judgment filed November 2, 2020.
8. Transcript of Hearing dated November 6, 2020.
9. Form 4 Order dated May 10, 2021 granting Pohlman Quality Exteriors Partial Summary Judgment.
10. Order granting Pohlman Quality Exteriors Partial Summary Judgment dated July 7, 2021.
11. Builders FirstSource – Southeast Group, LLC Motion to Reconsider Order Granting Partial Summary Judgment to Pohlman Quality Exteriors, Inc., filed July 19, 2021.
12. 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.

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

AIKEN BRIDGES ELLIOTT TYLER &
SALEEBY, P.A.



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Weldon L. Coates, Esquire

Bar No.: 105156

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Pohlman Quality Exteriors, Inc.

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v.

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

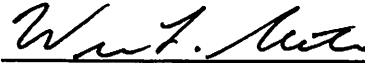
v.

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,

PROOF OF SERVICE

I certify that I have served the Designation of Matter To Be Included In The Record on Appeal by depositing a copy of it in the United States Mail, postage prepaid, on March 28, 2022, addressed to William H. Cox, III, Esquire, P.O. Box 40, Beaufort, South Carolina 29901-0040.



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March 28, 2022

Via First Class Mail and Email

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SC Court of Appeals

Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: The Retreat at Charleston National Country Club Home Owners Association, Inc., et al
vs. Winston Carlyle Charleston National, LLC, et al AND Builders FirstSource-Southeast
Group, LLC vs. Pohlman Quality Exteriors, Inc., et al
C/A No.: 2016-CP-10-03783
AB File No.: 33761

Dear Ms. Kitchings:

I hope this letter finds you well.

Attached herewith letter please find the following documents provided to you for filing in
connection with the above referenced matter:

1. Initial Brief of Respondent Pohlman Quality Exteriors, Inc. ;
2. Proof of Service for Initial Brief;
3. Designation of Matter to be Included in the Record on Appeal; and
4. Proof of Service for Designation of Matter.

We look forward to receiving the filed copies in the near future.

Should you have any questions or concerns, please do not hesitate to contact my office.

With kind regards, I am

Very truly yours,



WELDON L. COATES

WLC/clf
Attachments

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March 28, 2022

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