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Apr 08 2022

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Michael G. Nettles, Circuit Court Judge

Common Pleas Case No. 2018-CP-22-00824
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 Paint 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; Beverly Homes, LLC; Beverly Homebuilders, LLC; Strand Paint Contractors, LLC; Depaz Painting, LLC and Enhanced Heating & Air Conditioning, LLC are the Respondents.

**APPELLANT’S MOTION TO STRIKE CERTAIN MATTER DESIGNATED TO BE
INCLUDED IN THE RECORD ON APPEAL BY RESPONDENT**

COMES NOW the Appellant, Evarista Juan Lorenzo, (“Appellant”) who, pursuant to Rules 210(c) and 240, SCACR herein moves to strike items No. 5 and No. 9 from Respondent’s Designation of Matter (**Exhibit 1**). Appellant further requests the time for serving the Record on Appeal (per Rule 210(a), SCACR) be held in abeyance pending the Court’s ruling on this motion.

Rule 210(c) SCACR, provides in relevant part: “The Record shall not, however, include matter which was not presented to the lower court or tribunal.” Items No. 5 and No. 9 set out in Respondent’s Designation of Matter were neither filed nor presented to the trial court.

A. Item No. 5 consists of over 200 pages of a deposition transcript never presented to the trial court and therefore should not be included in the Record on Appeal.

At Item No. 5 in its Designation of Matter, Respondent proposes to include the full deposition transcript of Forrest Beverly. This transcript consists of 244 pages. Excerpts of this deposition—a total of 24 pages¹—were filed with the circuit court as exhibits to various motions and memoranda filed. Appellant does not oppose the inclusion of these excerpts (which are included as part of other designated items and will be included in the Record). However, the remaining 220 pages of this deposition transcript were never presented to trial court.

Therefore, because Item No. 5 consists of 220 pages of deposition testimony that was not presented to the trial court, this item is not properly included in the Record on Appeal.

B. Item No. 9 was not presented to the trial court and therefore should not be included in the Record on Appeal.

At Item No. 9 in its Designation of Matter, Respondent designates “Jonathan Martin pay stubs from Beverly Construction Group, LLC.” After consultation with Respondent (because Appellant was unclear what was intended by this item), Respondent provided Appellant with a fifteen-page document — each page containing a purported pay-stub and canceled check issued by Beverly Construction Group, LLC (a non-party to this appeal) to Jonathan Martin (a non-party to this action). *See* (**Exhibit 2**). Appellant is unable to find where this document (or its contents) was ever filed with the circuit court or otherwise provided to the circuit court by any party to this action.

Appellant has been unable to locate where Item No. 5 or Item No. 9 was filed with or presented to the circuit court in the underlying action. Accordingly, counsel for Appellant has consulted with counsel for Respondent on multiple occasions asking for clarification or direction

¹ These 24 pages are: pages 12-18, 20, 34-37, 58-61, 125, 158-164 of the transcript of this deposition.

on where or when these items were provided to the circuit court. (**Exhibit 3**). To date, Respondent has neither identified where or when these items were provided to the circuit court, nor has Respondent agreed to withdraw these items from its Designation of Matter.

THEREFORE, because Items No. 5 and No. 9 were never presented to the lower court, these items are precluded from being made part of the Record on Appeal and should be struck from Respondent's Designation of Matter. *See* Rule 210(c), SCACR (*infra*).

FURTHERMORE, this Court should issue an interim order directing that the time for service of the Record on Appeal be held in abeyance until it has ruled that Items No. 5 and No. 9 should be struck.

THURMOND KIRCHNER & TIMBES, P.A.



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Attorneys for Appellant

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**

EXHIBIT 1

s/David S. Cobb

David S. Cobb (S.C. Bar No. 66569)

TURNER PADGET

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Charleston, South Carolina 29413-2129

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s/Christopher H. Pearce

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1314 Professional Drive

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January 4, 2022

ATTORNEYS FOR RESPONDENT
BEVERLY HOMES, LLC

EXHIBIT 1

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

EXHIBIT 1

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.

EXHIBIT 1

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,

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.

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

EXHIBIT 1

s/David S. Cobb
David S. Cobb (S.C. Bar No. 66569)
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and

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January 4, 2022

ATTORNEYS FOR RESPONDENT
BEVERLY HOMES, LLC

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Of Which,

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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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E. Glenn Elliott, Esquire
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Florence, South Carolina 29506

EXHIBIT 1

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-and-
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LLC

January 4, 2022

s/Heather Hagen
Heather Hagen

EXHIBIT 2

Company Code Loc/Dept Number Page
 R87 C55 22372197 017 512893 1 of 1
 BEVERLY CONSTRUCTION GROUP LLC
 9007 Hwy 544
 Myrtle Beach, SC 29588

Earnings Statement



Period Starting: 08/11/2016
 Period Ending: 08/24/2016
 Pay Date: 08/26/2016

Taxable Marital Status: Single
 Exemptions/Allowances: Tax Override:
 Federal: 0 Federal:
 State: 0 State:
 Local: 0 Local:
 Social Security Number: XXX-XX-XXXX

Jonathan Martin
 [REDACTED]

<u>Earnings</u>	<u>rate</u>	<u>hours/units</u>	<u>this period</u>	<u>year to date</u>
Regular		0.00	2307.00	41526.00
Gross Pay			\$2,307.00	\$41,526.00
<u>Statutory Deductions</u>			<u>this period</u>	<u>year to date</u>
Federal Income			-392.47	7064.46
Social Security			-143.03	2574.61
Medicare			-33.45	602.13
South Carolina State Income			-149.95	2699.10
Net Pay			\$1,588.10	

<u>Other Benefits and Information</u>	<u>this period</u>	<u>year to date</u>
Personal		
- Carry Over		0.00
- Accrued Hours	0.00	48.00
- Taken Hours	0.00	24.00
- Balance		24.00
Deposits		
<u>account number</u>	<u>transit/ABA</u>	<u>amount</u>
XXXXXXXX3206	XXXXXXXXXX	1588.10

Your federal taxable wages this period are \$2,307.00

BEVERLY CONSTRUCTION GROUP LLC
 9007 Hwy 544
 Myrtle Beach, SC 29588

Pay Date: 08/26/2016

<u>Deposited to the account</u>	<u>account number</u>	<u>transit/ABA</u>	<u>amount</u>
Checking DirectDeposit	XXXXXXXX3206	XXXXXXXXXX	1588.10

THIS IS NOT A CHECK

Jonathan Martin
 [REDACTED]

EXHIBIT 2

Company Code Loc/Dept Number Page
 R87 C55 22372197 01/ 538706 1 of 1
 BEVERLY CONSTRUCTION GROUP LLC
 9007 Hwy 544
 Myrtle Beach, SC 29588

Earnings Statement



Period Starting: 08/25/2016
 Period Ending: 09/07/2016
 Pay Date: 09/09/2016

Taxable Marital Status: Single
 Exemptions/Allowances: Tax Override:
 Federal: 0 Federal:
 State: 0 State:
 Local: 0 Local:
 Social Security Number: XXX-XX-XXXX

Jonathan Martin



<u>Earnings</u>	<u>rate</u>	<u>hours/units</u>	<u>this period</u>	<u>year to date</u>
Regular		0.00	2307.00	43833.00
Holiday		8.00	0.00	0.00
Gross Pay			\$2,307.00	\$43,833.00
Statutory Deductions			this period	year to date
Federal Income			-392.47	7456.93
Social Security			-143.04	2717.65
Medicare			-33.45	635.58
South Carolina State Income			-149.95	2849.05
Net Pay			\$1,588.09	

<u>Other Benefits and Information</u>	<u>this period</u>	<u>year to date</u>
Personal		
- Carry Over		0.00
- Accrued Hours	0.00	48.00
- Taken Hours	0.00	24.00
- Balance		24.00
Deposits		
<u>account number</u>	<u>transit/ABA</u>	<u>amount</u>
XXXXXXXX3206	XXXXXXXXXX	1588.09

Your federal taxable wages this period are \$2,307.00

BEVERLY CONSTRUCTION GROUP LLC
 9007 Hwy 544
 Myrtle Beach, SC 29588

Pay Date: 09/09/2016

<u>Deposited to the account</u>	<u>account number</u>	<u>transit/ABA</u>	<u>amount</u>
Checking DirectDeposit	XXXXXXXX3206	XXXXXXXXXX	1588.09

THIS IS NOT A CHECK

Jonathan Martin



EXHIBIT 2

Company Code R8 / C55 22372197 Loc/Dept 017 Number 570139 Page 1 of 1
BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Earnings Statement



Period Starting: 09/08/2016
Period Ending: 09/21/2016
Pay Date: 09/23/2016

Taxable Marital Status: Single
Exemptions/Allowances: Tax Override:
Federal: 0 Federal:
State: 0 State:
Local: 0 Local:
Social Security Number: XXX-XX-XXXX

Jonathan Martin



Earnings	rate	hours/units	this period	year to date
Regular		0.00	2307.00	46140.00
Gross Pay			\$2,307.00	\$46,140.00
Statutory Deductions			this period	year to date
Federal Income			-392.47	7849.40
Social Security			-143.03	2860.68
Medicare			-33.45	669.03
South Carolina State Income			-149.95	2999.00
Net Pay			\$1,588.10	

Other Benefits and Information	this period	year to date
Personal		
- Carry Over		0.00
- Accrued Hours	0.00	48.00
- Taken Hours	0.00	24.00
- Balance		24.00
Deposits	transit/ABA	amount
account number		
XXXXXXXX3206	XXXXXXXXXX	1588.10

Your federal taxable wages this period are \$2,307.00

BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Pay Date: 09/23/2016

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXXXX3206	XXXXXXXXXX	1588.10

THIS IS NOT A CHECK

Jonathan Martin



EXHIBIT 2

Company Code R87 C55 22372197 Loc/Dept 01/ Number 605609 Page 1 of 1
BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Earnings Statement



Period Starting: 09/22/2016
Period Ending: 10/05/2016
Pay Date: 10/07/2016

Taxable Marital Status: Single
Exemptions/Allowances: Tax Override:
Federal: 0 Federal:
State: 0 State:
Local: 0 Local:
Social Security Number: XXX-XX-XXXX

Jonathan Martin



Earnings	rate	hours/units	this period	year to date
Regular		0.00	2307.00	48447.00
Gross Pay			\$2,307.00	\$48,447.00
Statutory Deductions			this period	year to date
Federal Income			-392.47	8241.87
Social Security			-143.03	3003.71
Medicare			-33.45	702.48
South Carolina State Income			-149.95	3148.95
Net Pay			\$1,588.10	

Other Benefits and Information	this period	year to date
Personal		
- Carry Over		0.00
- Accrued Hours	48.00	48.00
- Taken Hours	0.00	0.00
- Balance		48.00
Deposits		
account number	transit/ABA	amount
XXXXXXXX3206	XXXXXXXXXX	1588.10

Your federal taxable wages this period are \$2,307.00

BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Pay Date: 10/07/2016

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXXXX3206	XXXXXXXXXX	1588.10

THIS IS NOT A CHECK

Jonathan Martin



EXHIBIT 2

Company Code R8 / C55 22372197 Loc/Dept 01/ Number 641067 Page 1 of 1
BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Earnings Statement



Period Starting: 10/06/2016
Period Ending: 10/19/2016
Pay Date: 10/21/2016

Taxable Marital Status: Single
Exemptions/Allowances: Tax Override:
Federal: 0 Federal:
State: 0 State:
Local: 0 Local:
Social Security Number: XXX-XX-XXXX

Jonathan Martin



Earnings	rate	hours/units	this period	year to date
Regular		0.00	2307.00	50754.00
Gross Pay			\$2,307.00	\$50,754.00
Statutory Deductions			this period	year to date
Federal Income			-392.47	8534.34
Social Security			-143.04	3146.75
Medicare			-33.45	735.93
South Carolina State Income			-149.95	3298.90
Net Pay			\$1,588.09	

Other Benefits and Information	this period	year to date
Personal		
- Carry Over		0.00
- Accrued Hours	0.00	48.00
- Taken Hours	0.00	0.00
- Balance		48.00
Deposits	transit/ABA	amount
account number		
XXXXXXXX3206	XXXXXXXXXX	1588.09

Your federal taxable wages this period are \$2,307.00

BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Pay Date: 10/21/2016

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXXXX3206	XXXXXXXXXX	1588.09

THIS IS NOT A CHECK

Jonathan Martin



EXHIBIT 2

Company Code R8 / C55 22372197 Loc/Dept 01/ Number 677445 Page 1 of 1
BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Earnings Statement



Period Starting: 10/20/2016
Period Ending: 11/02/2016
Pay Date: 11/04/2016

Taxable Marital Status: Single
Exemptions/Allowances: Tax Override:
Federal: 0 Federal:
State: 0 State:
Local: 0 Local:
Social Security Number: XXX-XX-XXXX

Jonathan Martin



Earnings	rate	hours/units	this period	year to date
Regular		0.00	2307.00	53061.00
Gross Pay			\$2,307.00	\$53,061.00
Statutory Deductions			this period	year to date
Federal Income			-392.47	9026.81
Social Security			-143.03	3289.78
Medicare			-33.45	769.38
South Carolina State Income			-149.95	3448.85
Net Pay			\$1,588.10	

Other Benefits and Information	this period	year to date
Personal		
- Carry Over		0.00
- Accrued Hours	0.00	48.00
- Taken Hours	0.00	0.00
- Balance		48.00
Deposits	transit/ABA	amount
account number		
XXXXXXXX3206	XXXXXXXXXX	1588.10

Your federal taxable wages this period are \$2,307.00

BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Pay Date: 11/04/2016

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXXXX3206	XXXXXXXXXX	1588.10

THIS IS NOT A CHECK

Jonathan Martin



EXHIBIT 2

Company Code R8 / C55 22372197 Loc/Dept 017 Number 714762 Page 1 of 1
BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Earnings Statement



Period Starting: 11/03/2016
Period Ending: 11/16/2016
Pay Date: 11/18/2016

Taxable Marital Status: Single
Exemptions/Allowances: Tax Override:
Federal: 0 Federal:
State: 0 State:
Local: 0 Local:
Social Security Number: XXX-XX-XXXX

Jonathan Martin



Earnings	rate	hours/units	this period	year to date
Regular		0.00	2307.00	55368.00
Gross Pay			\$2,307.00	\$55,368.00
Statutory Deductions			this period	year to date
Federal Income			-392.47	9419.28
Social Security			-143.04	3432.82
Medicare			-33.46	802.84
South Carolina State Income			-149.95	3598.80
Net Pay			\$1,588.08	

Other Benefits and Information	this period	year to date
Personal		
- Carry Over		0.00
- Accrued Hours	0.00	48.00
- Taken Hours	0.00	0.00
- Balance		48.00
Deposits	transit/ABA	amount
account number		
XXXXXXXX3206	XXXXXXXXXX	1588.08

Your federal taxable wages this period are \$2,307.00

BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Pay Date: 11/18/2016

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXXXX3206	XXXXXXXXXX	1588.08

THIS IS NOT A CHECK

Jonathan Martin



EXHIBIT 2

Company Code R8 / C55 22372197 Loc/Dept 01/ Number 751503 Page 1 of 1
BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Earnings Statement



Period Starting: 11/17/2016
Period Ending: 11/30/2016
Pay Date: 12/02/2016

Taxable Marital Status: Single
Exemptions/Allowances: Tax Override:
Federal: 0 Federal:
State: 0 State:
Local: 0 Local:
Social Security Number: XXX-XX-XXXX

Jonathan Martin



Earnings	rate	hours/units	this period	year to date
Regular		0.00	2307.00	57675.00
Holiday		16.00	0.00	0.00
Gross Pay			\$2,307.00	\$57,675.00
Statutory Deductions			this period	year to date
Federal Income			-392.47	9811.75
Social Security			-143.03	3575.85
Medicare			-33.45	836.29
South Carolina State Income			-149.95	3748.75
Net Pay			\$1,588.10	

Other Benefits and Information	this period	year to date
Personal		
- Carry Over		0.00
- Accrued Hours	0.00	48.00
- Taken Hours	0.00	0.00
- Balance		48.00

Deposits	amount
account number	transit/ABA
XXXXXXXX3206	XXXXXXXXXX
	1588.10

Your federal taxable wages this period are \$2,307.00

BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Pay Date: 12/02/2016

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXXXX3206	XXXXXXXXXX	1588.10

THIS IS NOT A CHECK

Jonathan Martin



EXHIBIT 2

Company Code Loc/Dept Number Page
 R8 / C55 22372197 017 792281 1 of 1
 BEVERLY CONSTRUCTION GROUP LLC
 9007 Hwy 544
 Myrtle Beach, SC 29588

Earnings Statement



Period Starting: 12/01/2016
 Period Ending: 12/14/2016
 Pay Date: 12/18/2016

Taxable Marital Status: Single
 Exemptions/Allowances: Tax Override:
 Federal: 0 Federal:
 State: 0 State:
 Local: 0 Local:
 Social Security Number: XXX-XX-XXXX

Jonathan Martin


<u>Earnings</u>	<u>rate</u>	<u>hours/units</u>	<u>this period</u>	<u>year to date</u>
Regular		0.00	2307.00	59982.00
Gross Pay			\$2,307.00	\$59,982.00
<u>Statutory Deductions</u>			<u>this period</u>	<u>year to date</u>
Federal Income			-392.47	10204.22
Social Security			-143.03	3718.88
Medicare			-33.45	869.74
South Carolina State Income			-149.95	3898.70
Net Pay			\$1,588.10	

<u>Other Benefits and Information</u>	<u>this period</u>	<u>year to date</u>
Personal		
- Carry Over		0.00
- Accrued Hours	0.00	48.00
- Taken Hours	0.00	0.00
- Balance		48.00
Deposits		
<u>account number</u>	<u>transit/ABA</u>	<u>amount</u>
XXXXXXXX3206	XXXXXXXXXX	1588.10

Your federal taxable wages this period are \$2,307.00

BEVERLY CONSTRUCTION GROUP LLC
 9007 Hwy 544
 Myrtle Beach, SC 29588

Pay Date: 12/16/2016

<u>Deposited to the account</u>	<u>account number</u>	<u>transit/ABA</u>	<u>amount</u>
Checking DirectDeposit	XXXXXXXX3206	XXXXXXXXXX	1588.10

THIS IS NOT A CHECK

Jonathan Martin


EXHIBIT 2

Company Code R8 / C55 22372197 Loc/Dept 017 Number 827333 Page 1 of 1
 BEVERLY CONSTRUCTION GROUP LLC
 9007 Hwy 544
 Myrtle Beach, SC 29588

Earnings Statement



Period Starting: 12/15/2016
 Period Ending: 12/28/2016
 Pay Date: 12/30/2016

Taxable Marital Status: Single
 Exemptions/Allowances: Tax Override:
 Federal: 0 Federal:
 State: 0 State:
 Local: 0 Local:
 Social Security Number: XXX-XX-XXXX

Jonathan Martin

Earnings	rate	hours/units	this period	year to date
Regular		0.00	2307.00	62289.00
Holiday		8.00	0.00	0.00
Gross Pay			\$2,307.00	\$62,289.00
Statutory Deductions			this period	year to date
Federal Income			-392.47	10596.69
Social Security			-143.04	3861.92
Medicare			-33.45	903.19
South Carolina State Income			-149.95	4048.65
Net Pay			\$1,588.09	

Other Benefits and Information	this period	year to date
Personal		
- Carry Over		0.00
- Accrued Hours	0.00	48.00
- Taken Hours	0.00	0.00
- Balance		48.00
Deposits	transit/ABA	amount
account number		
XXXXXXXX3206	XXXXXXXXXX	1588.09

Your federal taxable wages this period are \$2,307.00

BEVERLY CONSTRUCTION GROUP LLC
 9007 Hwy 544
 Myrtle Beach, SC 29588

Pay Date: 12/30/2016

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXXXX3206	XXXXXXXXXX	1588.09

THIS IS NOT A CHECK

Jonathan Martin

EXHIBIT 2

Company Code R8 / C55 22372197 Loc/Dept 017 Number 864935 Page 1 of 1
BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Earnings Statement



Period Starting: 12/29/2016
Period Ending: 01/11/2017
Pay Date: 01/13/2017

Taxable Marital Status: Single
Exemptions/Allowances: Tax Override:
Federal: 0 Federal:
State: 0 State:
Local: 0 Local:
Social Security Number: XXX-XX-XXXX

Jonathan Martin

Earnings	rate	hours/units	this period	year to date
Regular		0.00	2307.00	2307.00
Holiday		8.00	0.00	0.00
Gross Pay			\$2,307.00	\$2,307.00
Statutory Deductions			this period	year to date
Federal Income			-390.74	390.74
Social Security			-143.03	143.03
Medicare			-33.45	33.45
South Carolina State Income			-148.90	148.90
Net Pay			\$1,590.88	

Other Benefits and Information	this period	year to date
Personal		
- Carry Over		0.00
- Accrued Hours	0.00	48.00
- Taken Hours	0.00	0.00
- Balance		48.00

Deposits	amount
account number	transit/ABA
XXXXXXXX3206	XXXXXXXXXX
	1590.88

Your federal taxable wages this period are \$2,307.00

BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Pay Date: 01/13/2017

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXXXX3206	XXXXXXXXXX	1590.88

THIS IS NOT A CHECK

Jonathan Martin

EXHIBIT 2

Company Code R8 / C55 22372197 Loc/Dept 01/ Number 897238 Page 1 of 1
BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Earnings Statement



Period Starting: 01/12/2017
Period Ending: 01/25/2017
Pay Date: 01/27/2017

Taxable Marital Status: Single
Exemptions/Allowances: Tax Override:
Federal: 0 Federal:
State: 0 State:
Local: 0 Local:
Social Security Number: XXX-XX-XXXX

Jonathan Martin

Earnings	rate	hours/units	this period	year to date
Regular		0.00	2307.00	4614.00
Gross Pay			\$2,307.00	\$4,614.00
Statutory Deductions			this period	year to date
Federal Income			-390.74	781.48
Social Security			-143.04	286.07
Medicare			-33.45	66.90
South Carolina State Income			-148.90	297.80
Net Pay			\$1,590.87	

Other Benefits and Information	this period	year to date
Personal		
- Carry Over		0.00
- Accrued Hours	0.00	48.00
- Taken Hours	0.00	0.00
- Balance		48.00
Deposits	transit/ABA	amount
account number		
XXXXXXXX3206	XXXXXXXXXX	1590.87

Your federal taxable wages this period are \$2,307.00

BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Pay Date: 01/27/2017

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXXXX3206	XXXXXXXXXX	1590.87

THIS IS NOT A CHECK

Jonathan Martin

EXHIBIT 2

Company Code R8 / C55 22372197 Loc/Dept 017 Number 933399 Page 1 of 1
BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Earnings Statement



Period Starting: 01/28/2017
Period Ending: 02/08/2017
Pay Date: 02/10/2017

Taxable Marital Status: Single
Exemptions/Allowances: Tax Override:
Federal: 0 Federal:
State: 0 State:
Local: 0 Local:
Social Security Number: XXX-XX-XXXX

Jonathan Martin



Earnings	rate	hours/units	this period	year to date
Regular		0.00	2307.00	6921.00
Gross Pay			\$2,307.00	56,921.00
Statutory Deductions			this period	year to date
Federal income			-390.74	1172.22
Social Security			-143.03	429.10
Medicare			-33.45	100.35
South Carolina State Income			-148.90	446.70
Net Pay			\$1,590.88	

Other Benefits and Information	this period	year to date
Personal		
- Carry Over		0.00
- Accrued Hours	0.00	48.00
- Taken Hours	0.00	0.00
- Balance		48.00
Deposits	transit/ABA	amount
account number		
XXXXXXXX3206	XXXXXXXXXX	1590.88

Your federal taxable wages this period are \$2,307.00

BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Pay Date: 02/10/2017

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXXXX3206	XXXXXXXXXX	1590.88

THIS IS NOT A CHECK

Jonathan Martin



EXHIBIT 2

Company Code R87 C55 22372197 Loc/Dept 017 Number 970413 Page 1 of 1
BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Earnings Statement



Period Starting: 02/09/2017
Period Ending: 02/22/2017
Pay Date: 02/24/2017

Taxable Marital Status: Single
Exemptions/Allowances: Tax Override:
Federal: 0 Federal:
State: 0 State:
Local: 0 Local:
Social Security Number: XXX-XX-XXXX

Jonathan Martin



Earnings	rate	hours/units	this period	year to date
Regular		0.00	2307.00	9228.00
Gross Pay			\$2,307.00	\$9,228.00
Statutory Deductions			this period	year to date
Federal Income			-390.74	1562.96
Social Security			-143.04	572.14
Medicare			-33.46	133.81
South Carolina State Income			-148.90	595.60
Net Pay			\$1,590.86	

Other Benefits and Information	this period	year to date
Personal		
- Carry Over		0.00
- Accrued Hours	0.00	48.00
- Taken Hours	0.00	0.00
- Balance		48.00
Deposits	transit/ABA	amount
account number		
XXXXXXXX3206	XXXXXXXXXX	1590.86

Your federal taxable wages this period are \$2,307.00

BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Pay Date: 02/24/2017

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXXXX3206	XXXXXXXXXX	1590.86

THIS IS NOT A CHECK

Jonathan Martin



EXHIBIT 2

Company Code R8 / C55 22372197 Loc/Dept 017 Number 1006546 Page 1 of 1
BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Earnings Statement



Period Starting: 02/23/2017
Period Ending: 03/08/2017
Pay Date: 03/10/2017

Taxable Marital Status: Single
Exemptions/Allowances: Tax Override:
Federal: 0 Federal:
State: 0 State:
Local: 0 Local:
Social Security Number: XXX-XX-XXXX

Jonathan Martin



Earnings	rate	hours/units	this period	year to date
Regular		0.00	2307.00	11535.00
Gross Pay			\$2,307.00	\$11,535.00
Statutory Deductions			this period	year to date
Federal Income			-390.74	1953.70
Social Security			-143.03	715.17
Medicare			-33.45	167.26
South Carolina State Income			-148.90	744.50
Net Pay			\$1,590.88	

Other Benefits and Information	this period	year to date
Personal		
- Carry Over		0.00
- Accrued Hours	0.00	48.00
- Taken Hours	0.00	0.00
- Balance		48.00
Deposits		
account number	transit/ABA	amount
XXXXXXXX3206	XXXXXXXXXX	1590.88

Your federal taxable wages this period are \$2,307.00

BEVERLY CONSTRUCTION GROUP LLC
9007 Hwy 544
Myrtle Beach, SC 29588

Pay Date: 03/10/2017

Deposited to the account	account number	transit/ABA	amount
Checking DirectDeposit	XXXXXXXX3206	XXXXXXXXXX	1590.88

THIS IS NOT A CHECK

Jonathan Martin



EXHIBIT 3

Thomas Rode

From: Thomas Rode
Sent: Wednesday, April 6, 2022 12:09 PM
To: 'Cobb, David S.'; Hagen, Heather A.; Shannon Cerone
Subject: RE: Record on Appeal Question /Evarista Lorenzo v. Beverly Homes, LLC (appeal) [CMID#1390959496]

David,

Not sure I follow you. The rule says: "The Record shall not, however, include matter which was not presented to the lower court or tribunal."

Rule 210, SCACR

Give me a call if you thing we're talking around ourselves here but the the transcripts do not reflect that Item No. 5 (full depo transcript) or No. 9 (which as Hether provided is a 15 page pdf doc consisting of pay stubs) were presented to the court at the hearing(s) and the clerks record does not reflect they were filed.

Best,
tjr

From: Cobb, David S. <DCobb@TurnerPadget.com>
Sent: Wednesday, April 6, 2022 11:14 AM
To: Thomas Rode <thomas@tktlawyers.com>; Hagen, Heather A. <HHagen@TurnerPadget.com>; Shannon Cerone <scerone@tktlawyers.com>
Subject: RE: Record on Appeal Question /Evarista Lorenzo v. Beverly Homes, LLC (appeal) [CMID#1390959496]

Hey. I read the rule to say "matters" brought before the court—not "filed exhibits". Am I reading this rule incorrectly?



David S. Cobb
Attorney
PO Box 22129 | Charleston, SC 29413
40 Calhoun Street, Suite 200 | Charleston, SC 29401
843-576-2803 | Fax 843-577-1629
dcobb@turnerpadget.com
[Bio](#) | [vCard](#) | [Location](#)

From: Thomas Rode <thomas@tktlawyers.com>
Sent: Monday, April 4, 2022 8:25 AM
To: Hagen, Heather A. <HHagen@TurnerPadget.com>; Cobb, David S. <DCobb@TurnerPadget.com>; Shannon Cerone <scerone@tktlawyers.com>
Subject: RE: Record on Appeal Question /Evarista Lorenzo v. Beverly Homes, LLC (appeal) [CMID#1390959496]

David and Heather,

Here is a link to the proposed record in this matter [REDACTED]

In this version we have not yet removed the duplicates or replaced the condensed transcripts .
Based on the information you have provided below; it contains all items from the designation EXCEPT No. 5 and No. 9.

EXHIBIT 3

No. 5 – Full Transcript of Forrest Beverly – you will see there are various portions of this transcript that were filed as exhibits to various memos/motions. Those portions are all included in the record but we are unable to find where the full transcript was ever filed with the Circuit Court.

No. 9 – John Martin Pay stubs. (I attached the document that Heather provided us for this item). I think there may be a screen shot of one of these in order itself (which is included in the record) but we cannot find where the attached document was ever filed. Again, if we are missing where this was filed with the circuit court please let us know.

Understanding that we will remove duplicates and substitute full transcripts for the condensed versions, please let us know by Wednesday if this you agree this record contains all items you designated. Otherwise, we will have to file a motion to strike items 5 and 9 from the record.

Thanks for your help in this.

Best,
tjr



Thomas Rode
Partner
Thurmond Kirchner & Timbes, P.A.

P: (843) 937-8000 | F: (843) 937-4200
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From: Thomas Rode
Sent: Wednesday, March 30, 2022 10:56 AM
To: 'Hagen, Heather A.' <HHagen@TurnerPadget.com>; Cobb, David S. <DCobb@TurnerPadget.com>; Shannon Cerone <scerone@tktlawyers.com>
Subject: RE: Record on Appeal Question /Evarista Lorenzo v. Beverly Homes, LLC (appeal) [CMID#1390959496]

Heather,
Thanks this was helpful. It looks like this resolves everything except Designation Items No. 5 (the whole Forrest Beverly Trans.) and 9 referenced below.
Shannon will reach out to see if we can resolve this. As to the transcript we obviously have the portions that were attached to the various memos. We just can't find where the whole transcript was filed.
As to No. 9 and David's email. I understand some of this might have been included in the memos. Obviously the memos are already designated. We're trying to confirm if these items were filed as a separate exhibit somewhere.

thanks

Best,
tjr

EXHIBIT 3

From: Hagen, Heather A. <HHagen@TurnerPadget.com>

Sent: Tuesday, March 29, 2022 10:54 AM

To: Thomas Rode <thomas@tktlawyers.com>; Cobb, David S. <DCobb@TurnerPadget.com>; Shannon Cerone <scerone@tktlawyers.com>

Subject: RE: Record on Appeal Question /Evarista Lorenzo v. Beverly Homes, LLC (appeal) [CMID#1390959496]

Good morning. The link below will allow you to download the pleadings we have filed in this case.

[REDACTED]

I believe the documents needed are in the documents provided:

11. Port City Elevators invoice to Beverly Construction Group, LLC dated March 10, 2017 ORDER DISMISSING BEVERLY HOMES LLC
12. Beverly Construction Group, LLC's cancelled checks paid to Port City Elevators ORDER DISMISSING BEVERLY HOMES, LLC
14. Beverly Construction Group, LLC's cancelled check paid to Georgetown County for building permit of Pender home EXHIBIT H TO REBECCA BEVERLY AFFIDAVIT
15. Georgetown County Building Permit Application for Pender home ORDER DISMISSING BEVERLY HOMES, LLC
17. Georgetown County Tax Payment Records for Penders on lot EXHIBIT 5 TO MEMO SUPPORTING MOTION TO DISMISS
18. Beverly Construction Group, LLC's cancelled checks paid to Santee Cooper EXHIBIT A AND B TO REBECCA BEVERLY AFFIDAVIT
19. Affidavit of Rebecca Beverly SUPPLEMENTAL MEMO IN SUPPORT OF SUMMARY JUDGMENT
20. Beverly Construction Group, LLC's cancelled checks paid to B&A Quality Construction- EXHIBIT C TO REBECCA BEVERLY AFFIDAVIT
21. Beverly Construction Group, LLC's cancelled checks paid to Strand Engineering EXHIBIT G TO REBECCA BEVERLY AFFIDAVIT
22. Beverly Construction Group, LLC's cancelled checks paid to Faith Landscaping EXHIBIT I TO REBECCA BEVERLY AFFIDAVIT
23. Beverly Construction Group, LLC's cancelled checks paid to Palmetto Concrete EXHIBIT J TO REBECCA BEVERLY AFFIDAVIT
24. Beverly Construction Group, LLC's cancelled checks paid to Gale Contractor Services EXHIBIT E TO REBECCA BEVERLY AFFIDAVIT
25. Beverly Construction Group, LLC's cancelled checks paid to 2020 Custom Contractors ORDER DISMISSING BEVERLY HOMES FROM LAWSUIT

EXHIBIT 3



Heather A Hagen
Legal Assistant
PO Box 22129 | Charleston, SC 29413
40 Calhoun Street, Suite 200 | Charleston, SC 29401
843-576-2833 | Fax 843-577-1663
hhagen@turnerpadget.com
[Bio](#) | [vCard](#) | [Location](#)

From: Thomas Rode <thomas@tktlawyers.com>
Sent: Monday, March 28, 2022 3:01 PM
To: Cobb, David S. <DCobb@TurnerPadget.com>; Hagen, Heather A. <HHagen@TurnerPadget.com>; Shannon Cerone <scerone@tktlawyers.com>
Subject: RE: Record on Appeal Question /Evarista Lorenzo v. Beverly Homes, LLC (appeal) [CMID#1390959496]

Thanks David,
We have looked but are struggling to find where they were filed. Can you point us to where?

Best,
tjr



Thomas Rode
Partner
Thurmond Kirchner & Timbes, P.A.

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From: Cobb, David S. <DCobb@TurnerPadget.com>
Sent: Thursday, March 24, 2022 5:34 PM
To: Thomas Rode <thomas@tktlawyers.com>; Hagen, Heather A. <HHagen@TurnerPadget.com>; Shannon Cerone <scerone@tktlawyers.com>
Subject: RE: Record on Appeal Question /Evarista Lorenzo v. Beverly Homes, LLC (appeal) [CMID#1390959496]

Sorry been on the road and back on it tomorrow and trial Monday. These were all included in various motions and documents filed with the court.



David S. Cobb
Attorney
PO Box 22129 | Charleston, SC 29413
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843-576-2803 | Fax 843-577-1629

EXHIBIT 3

dcobb@turnerpadget.com
[Bio](#) | [vCard](#) | [Location](#)

From: Thomas Rode <thomas@tktlawyers.com>
Sent: Wednesday, March 23, 2022 2:16 PM
To: Hagen, Heather A. <HHagen@TurnerPadget.com>; Shannon Cerone <scerone@tktlawyers.com>
Cc: Cobb, David S. <DCobb@TurnerPadget.com>
Subject: RE: Record on Appeal Question /Evarista Lorenzo v. Beverly Homes, LLC (appeal) [CMID#1390959496]

Thanks Heather and David,
We are still looking for where these were filed with the circuit court. Can you help with this?
Under Rule 210(c), SCACR the Record cannot contain items that were not filed with the circuit court.
Unless we can find where they were filed (or Respondent consents to withdraw them from the designation), Appellant will have to move the court to strike these docs from the designation.
Thanks for your help.

Best,
tjr



Thomas Rode
Partner
Thurmond Kirchner & Timbes, P.A.

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From: Hagen, Heather A. <HHagen@TurnerPadget.com>
Sent: Wednesday, March 23, 2022 1:32 PM
To: Shannon Cerone <scerone@tktlawyers.com>; Thomas Rode <thomas@tktlawyers.com>
Subject: RE: Record on Appeal Question /Evarista Lorenzo v. Beverly Homes, LLC (appeal) [CMID#1390959496]

[REDACTED]



Heather A Hagen
Legal Assistant
PO Box 22129 | Charleston, SC 29413
40 Calhoun Street, Suite 200 | Charleston, SC 29401
843-576-2833 | Fax 843-577-1663
hhagen@turnerpadget.com
[Bio](#) | [vCard](#) | [Location](#)

From: Shannon Cerone <scerone@tktlawyers.com>
Sent: Wednesday, March 23, 2022 1:00 PM
To: Hagen, Heather A. <HHagen@TurnerPadget.com>; Thomas Rode <thomas@tktlawyers.com>; Cobb, David S.

EXHIBIT 3

<DCobb@TurnerPadget.com>

Subject: RE: Record on Appeal Question /Evarista Lorenzo v. Beverly Homes, LLC (appeal) [CMID#1390959496]

Thank you, Heather!

I did not receive your first email that contained the first half of documents though.

Sincerely,

Shannon



Shannon Cerone
Paralegal
Thurmond Kirchner & Timbes, P.A.

P: 843.937.8000 | F: (843) 937-4200
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From: Hagen, Heather A. <HHagen@TurnerPadget.com>

Sent: Wednesday, March 23, 2022 11:47 AM

To: Thomas Rode <thomas@tktlawyers.com>; Cobb, David S. <DCobb@TurnerPadget.com>

Cc: Shannon Cerone <scerone@tktlawyers.com>

Subject: RE: Record on Appeal Question /Evarista Lorenzo v. Beverly Homes, LLC (appeal) [CMID#1390959496]

You don't often get email from hhagen@turnerpadget.com. [Learn why this is important](#)

I attach #18, #20, #21, #22, #23, #24, and #25



Heather A Hagen
Legal Assistant
PO Box 22129 | Charleston, SC 29413
40 Calhoun Street, Suite 200 | Charleston, SC 29401
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hhagen@turnerpadget.com
[Bio](#) | [vCard](#) | [Location](#)

From: Hagen, Heather A.

Sent: Wednesday, March 23, 2022 11:10 AM

To: Thomas Rode <thomas@tktlawyers.com>; Cobb, David S. <DCobb@TurnerPadget.com>

Cc: Shannon Cerone <scerone@tktlawyers.com>

Subject: RE: Record on Appeal Question /Evarista Lorenzo v. Beverly Homes, LLC (appeal) [CMID#1390959496]

Good morning. I attach #9, #11, #12, #14, #15, #17, and #19. I will email you , #18, #20, #21, #22, #23, #24, and #25 soon.

Thank you,

EXHIBIT 3



Heather A Hagen
Legal Assistant
PO Box 22129 | Charleston, SC 29413
40 Calhoun Street, Suite 200 | Charleston, SC 29401
843-576-2833 | Fax 843-577-1663
hhagen@turnerpadget.com
[Bio](#) | [vCard](#) | [Location](#)

From: Thomas Rode <thomas@tktlawyers.com>
Sent: Wednesday, March 23, 2022 11:01 AM
To: Cobb, David S. <DCobb@TurnerPadget.com>
Cc: Hagen, Heather A. <HHagen@TurnerPadget.com>; Shannon Cerone <scerone@tktlawyers.com>
Subject: Record on Appeal Question /Evarista Lorenzo v. Beverly Homes, LLC (appeal) [CMID#1390959496]

David,

We are putting together the record on appeal in this matter and have some questions about your designation

Depositions –Many of the depositions were filed in condensed version, but the COA requires we use the uncondensed, so we are having to match up pages. In doing so we have some questions on designated depositions:

#5 Depo of Forrest Beverly – From what I see, portions of this deposition were filed as Exhibit 2 to your October 19, 2020 Memo. Is this what you are identifying in Item #5?

#6 Depo of Randy Beverly - I'm assuming this is the whole deposition (which was an exhibit to the Order). The transcript alone is 130+ pages. Assuming you want the whole depo, do you object to our removal of the word index at the end to save pages?

#7 Depo of Rebecca Beverly - I'm assuming this is the whole deposition (which was an exhibit to the Order). The transcript alone is 60+ pages. Assuming you want the whole depo, do you object to our removal of the word index at the end to save pages?

#35 Portions of Depo of Robin Roberts – Portions of this deposition were filed as Exhibit 1 to your October 19, 2020 memo. All of the pages you designated are contained in this exhibit except for page 175. Can you point me to where page 175 was filed with the Circuit Court?

Other Items – Can you let us know where to find (or provide file stamped copies) of the following designated items:

#9, #11, #12, #14, #15, #17, #18, #19, #20, #21, #22, #23, #24, and #25

Sorry, there were so many things filed at so many different times, its hard to come in after the fact and keep them straight.

Please let me hear from you guys soon on this.

Best,
tjr

EXHIBIT 3



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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Michael G. Nettles, Circuit Court Judge

Common Pleas Case No. 2018-CP-22-00824
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 Paint 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; Beverly Homes, LLC; Beverly Homebuilders, LLC; Strand Paint Contractors, LLC; Depaz Painting, LLC and Enhanced Heating & Air Conditioning, LLC are the Respondents.

PROOF OF SERVICE

The undersigned certifies that she served a copy of the foregoing **Appellant's Motion to Strike Certain Matter Designated to be included in the Record on Appeal by Respondent** to all counsel of record on April 8, 2022, by mailing a copy of same, electronically or with proper postage affixed thereto, as follows:

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