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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 for the Ninth Circuit

The Honorable Mikell Scarborough, Master in Equity

Case No.: 2016-CP-10-06265
App. Case No. 2022-000078

TONY A. BILLIPS, individually and as a derivative shareholder of Alex’s Restaurants, Inc.,.....*Plaintiff/Respondent,*

v.

CAROLYN A. BILLIPS, individually and as Trustee of the benefit of Anthony Billips, William Casey Ivey, and Alex Billips, and as controlling person of Alex’s Restaurants, Inc. and ALEX’S RESTAURANTS, INC.,.....*Defendants/Appellants.*

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

Appellants assert the following documents, with all supporting exhibits, should be included in the Record on Appeal:

1. Proposed Order Dismissing Lis Pendens and Second Amended Scheduling Order [Hon. Mikell R. Scarborough] filed June 1, 2018;
2. Consent Order of Reference filed May 3, 2017;
3. Order [Hon. Mikell R. Scarborough] filed November 22, 2021;
4. Form 4 – Judgement in a Civil Case – Order on Motion to Reconsider and Seal filed December 21, 2021;
5. Ct. App. Order Re: Appealability [Appeal No. 2022-000078] dated March 11, 2022;

6. Complaint filed November 21, 2016;
7. Amended Complaint filed January 18, 2018;
8. Plaintiff's Motion to Reconsider Master's Order dated December 2, 2021 [*SEAL*];
9. Defendants' Opposition to Motion to Reconsider and Defendants' Motion for Relief filed December 17, 2021 [*SEAL*];
10. Plaintiff's Answers to Defendants' First Set of Interrogatories dated December 25, 2017;
11. Defendants' First Interrogatories (Oct. 25, 2017) at
12. Trial Tr. (Aug. 24, 2021 & August 25, 2021) before The Hon. Mikell R. Scarborough
13. Respondent's Memorandum as to Appealability (Appeal No. 2022-000078) dated February 3, 2022;
14. Appellants' Memorandum as to Appealability (Appeal No. 2022-000078) dated February 4, 2022;
15. Notice of Appeal dated January 20, 2022.

I certify this designation contains no matter irrelevant to this appeal.

Respectfully submitted:

EPTING & RANNIK, LLC

June 10, 2022
Charleston, South Carolina

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