

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

RECEIVED
MAY 20 2013
SC Court of Appeals

Case No. 2007-CP-07-03027

Carolina First Bank,..... Appellant,

v.

Charles S. McCue, Builder Services Group, Inc., d/b/a
Gale Contractor Services, Pebblethorn Landscape &
Design, LLC, Falco, Inc., Distinctive Granite &
Marble, Inc., Gustavo Angeles, individually and d/b/a
Empire Construction, and Rose Hill Plantation Property
Owners Association, Defendants,..... Defendants.

Of whom Charles S. McCue is the Respondent. Respondent.

DESIGNATION OF MATTER OF APPELLANT

Pursuant to Rule 209, SCACR, Appellant Carolina First Bank (“Appellant”) designates the following material for inclusion in the record on appeal. Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to the appeal:

ORDERS

1. Order granting Partial Summary Judgment, May 7, 2009
2. Order, November 29, 2012

PLEADINGS

3. Complaint filed October 25, 2007
4. McCue Answer and Counterclaim
5. McCue Amended Answer and Counterclaim
6. McCue Answer to Second Amended Complaint and Counterclaim

TRANSCRIPTS

7. Hearing Transcript, July 2, 2012

DOCUMENTS

8. May 24, 2012 Email Exchange
9. Guilty Plea of Witkowski
10. Guilty Plea of Atkinson
11. Guilty Plea of McCue

MISCELLANEOUS AND OTHER MOTIONS:

12. Carolina First Bank Motion for Partial Summary Judgment, February 25, 2009
13. Motion to Strike Jury Command, March 5, 2012
14. McCue Notice of Motion and Motion to File Second Amended Answer and Counterclaim, March 22, 2012
15. McCue Answer to Carolina First Bank Second Interrogatories
16. McCue Answer to Third Supplemental Answers to Carolina First Bank Second Set of Interrogatories.

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May 20, 2013

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Carolina First Bank, Appellant,

v.

Charles S. McCue, Respondent.

PROOF/CERTIFICATE OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Carolina First Bank, do hereby certify that I have served all counsel in this action with a copy of the document(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Document(s):

Initial Brief of Appellant and Designation of Matter

Served:

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May 20, 2013

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May 20, 2013

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1015 Sumter Street
Columbia, SC 29211

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SC Court of Appeals

RE: Carolina First Bank vs. Charles S. McCue, et al.
Appellate Case No. 2012-213629
C/A No. 2007-CP-07-03027
Our File No. 04387/09362

Dear Ms. Kitchings:

Enclosed please find the original and two copies of the Initial Brief of Appellant together with the Designation of Matter of Appellant. We would appreciate your filing the original in your office and returning a clocked-in copy via our courier.

By copy of this letter, and the enclosed Proof of Service, we have served all counsel and pro se parties in this matter.

Very truly yours,

Erik T. Norton

ETN:ls
Enclosure

cc: Drew A. Laughlin, Esquire
Jonathan E. Halperin, Esquire
Mitchell Thoreson, Esquire / John W. Wilkins, Esquire
R. Nicholas Felix, Esquire
Mr. Blair Witkowski (*pro se*)
Brian Atkinson (*pro se*)