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**Aug 08 2022**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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APPEAL FROM SPARTANBURG COUNTY  
COURT OF COMMON PLEAS  
THE HONORABLE J. DERHAM COLE, CIRCUIT COURT JUDGE  
THE HONORABLE SHANNON M. PHILLIPS, MASTER-IN-EQUITY

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APPELLATE CASE NO. 2022-000348  
CIVIL ACTION NO. 2021-CP-42-01163

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Custom Performance Engineering, Inc.,

**RESPONDENT-APPELLANT,**

versus

AM Industrial Group, LLC,

**APPELLANT-RESPONDENT.**

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

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AM Industrial Group, LLC, Appellant-Respondent, in the above referenced matter,  
proposes the following be included in the Record on Appeal:

1. Complaint, filed April 13, 2021 with all exhibits;
2. Affidavit of Service, filed July 1, 2021;
3. Motion for Default Judgment; filed August 18, 2021;
4. Motion to Set Aside Entry of Default Judgment, filed September 8, 2021

with all exhibits including:

- a. June 25, 2021 email from AMI to Liberty Mutual Insurance;
- b. August 3, 2021 email from Liberty Mutual Insurance to AMI;

5. Order Denying Motion to Set Aside Entry of Default, dated September 28, 2021;
6. Transcript of Hearing held on September 28, 2021 before The Honorable J. Derham Cole;
7. Memorandum in Support of Damages, filed December 17, 2021;
8. Transcript of Hearing held on December 20, 2021 before The Honorable Shannon M. Phillips with all exhibits including:
  - a. AM Industrial Invoice #105011;
  - b. Equipment Finance Agreement 11/1/2021;
  - c. Equipment Finance Agreement 08/19/2020;
  - d. Purchase Order;
  - e. AM Industrial Invoice #105011;
  - f. IES Innovative Invoice #7227;
  - g. Bend Tooling Invoice #105975;
  - h. IES Innovative Invoice #6974;
9. Proposed Order, filed February 18, 2022 including the following Post-Hearing Documents:
  - a. Saleen Purchase Order;
  - b. Blow-By-Racing Purchase Order;
  - c. Eberspacher Purchase Order;
  - d. Eberspacher Cancellation;
  - e. Lost Profits Spreadsheet;
10. Order Awarding Damages, dated February 21, 2022;

11. Notice of Appeal, filed March 21, 2022,
12. Notice of Cross-Appeal filed March 25, 2022, and;
13. Deposit of Judgment, filed April 26, 2022.

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

Respectfully submitted,

s/ Carmen V. Ganjehsani

Carmen V. Ganjehsani (S.C. Bar No. 73515)

R. Wilder Harte (S.C. Bar No. 101228)

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**ATTORNEYS FOR**

**APPELLANT-RESPONDENT**

**AM INDUSTRIAL GROUP, LLC**

August 8, 2022.

**CERTIFICATE OF SERVICE**

I, the undersigned, an employee of Richardson Plowden & Robinson, P.A., for Appellant-Respondent, AM Industrial Group, LLC, do hereby certify that I have this date served the foregoing Designation of Matter to be Included in the Record on Appeal, dated August 8, 2022, by personally serving the same pursuant to Section (d)(1) of the Supreme Court's Order dated May 6, 2022, on the following counsel of record using the primary email addresses listed in the Attorney Information System (if applicable):

Adam C. Bach (S.C. Bar No. 74885)  
Emily R. Godwin (S.C. Bar No. 103708)  
ELLER TONNENSON BACH, LLC  
1306 South Church Street  
Greenville, South Carolina 29605  
[abach@etblawfirm.com](mailto:abach@etblawfirm.com)  
[egodwin@etblawfirm.com](mailto:egodwin@etblawfirm.com)  
**ATTORNEYS FOR RESPONDENT-APPELLANT  
CUSTOM PERFORMANCE ENGINEERING, INC.**

A copy of the sent email is enclosed with this Certificate of Service.

s/ Carmen V. Ganjehsani  
Carmen V. Ganjehsani  
S.C. Bar No. 73515  
RICHARDSON, PLOWDEN & ROBINSON, PA  
Post Office Drawer 7788  
Columbia, South Carolina 29202  
**ATTORNEYS FOR  
APPELLANT-RESPONDENT  
AM INDUSTRIAL GROUP, LLC**

Date: August 8, 2022.


## Carmen Ganjehsani

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**From:** Carmen Ganjehsani  
**Sent:** Monday, August 08, 2022 11:17 AM  
**To:** 'abach@etblawfirm.com'; 'egodwin@etblawfirm.com'  
**Cc:** Wilder Harte  
**Subject:** 2022-000348 Custom Performance Eng'g v. AM Industrial Group  
**Attachments:** 2022-00348 Custom Perf. Eng'g v. AMI (DOM).pdf; 2022-00348 Custom Perf. Eng'g v. AMI (Int Res Brief).pdf

Pursuant to the Supreme Court's Order dated May 6, 2022, please find served upon you the Initial Respondent's Brief and Designation of Matter to be Included in the Appeal on behalf of Appellant-Respondent AM Industrial Group, LLC.

Thank you,  
Carmen Ganjehsani

<a href="#">HOME</a>	<a href="#">VCARD</a>	<a href="#">LOCATION</a>
	<b>Carmen V. Ganjehsani</b> Shareholder <a href="mailto:Cganjehsani@RichardsonPlowden.com">Cganjehsani@RichardsonPlowden.com</a>	<b>Richardson Plowden &amp; Robinson, P.A.</b> 1900 Barnwell Street Columbia, SC 29201 Tel: 803.253.8692 Fax: 803.779.0016 <a href="http://www.RichardsonPlowden.com">www.RichardsonPlowden.com</a>

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