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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.*

**SUPPLEMENTAL
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. Hearing Tr. (Apr. 25, 2018) before The Hon. Mikell R. Scarborough.
2. Hearing Tr. (Apr. 23, 2019) before The Hon. Mikell R. Scarborough.

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

[Signature on following page]

Respectfully submitted:

EPTING & RANNIK, LLC

November 23nd, 2022
Charleston, South Carolina

/s/ Jaan Rannik _____

Jaan G. Rannik
46A State Street
Charleston, SC 29401
Phone: 843-377-1871
Fax: 843-377-1310
jgr@epting-law.com

ATTORNEY FOR DEFENDANTS/APPELLANTS

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PROOF OF SERVICE

I certify that I have served the Appellants’ Supplemental Designation of Matter and Amended Record on Appeal on opposing counsel via e-mail on November 23, 2022, addressed to Respondent’s counsel of record.

Michael W. Sautter, Esq. – mikewsautter147@aol.com
O. Grady Query, Esq. – gquery@qlawsc.com
Alexander Woods Tesoriero – atesoriero@qlawsc.com

A copy of the e-mail is attached to this Proof of Service as Exhibit A.

EPTING & RANNIK, LLC

/s/ Angela Gross

Angela Gross
Legal Assistant to Jaan G. Rannik and
Clinton T. Magill
46A State Street
Charleston, SC 29401
Phone: 843-377-1871
agg@epting-law.com

EXHIBIT A

Angela Gross

From: Angela Gross
Sent: Wednesday, November 23, 2022 11:50 AM
To: mikewsautter147@aol.com
Cc: Amber Sautter; Jaan Rannik; Alex Tesoriero; Grady Query; Tracey O'Brien; Angela Gross
Subject: Tony Billips v. Carolyn Billips (2022-000078)
Attachments: 2022 11 23 - Supplemental DOM - APPELLANTS.pdf

Counselors:

Attached for service is Appellants' Supplemental Designation of Matter in the above-referenced appeal. A Proof of Service will follow under separate cover.

With kindest regards,



Angela Gross
Legal Assistant to Andrew K. Epting, Jr., Esq.
Jaan G. Rannik, Esq.
Clinton T. Magill, Esq.
EPTING & RANNIK, LLC
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Nov 23 2022

SC Court of Appeals

EPTING & RANNIK

ATTORNEYS AT LAW

ANDREW K. EPTING, JR. · AKE@EPTING-LAW.COM

JAAN G. RANNIK · JGR@EPTING-LAW.COM

CLINTON T. MAGILL · CTM@EPTING-LAW.COM

November 23, 2022

VIA EMAIL AND USPS

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

RE: *Tony A. Billips v. Carolyn A. Billips and Alex's Restaurants, Inc.*  
Case No.: 2016-CP-10-06265  
Appellate Case No.: 2022-000078

Dear Ms. Kitchings:

Enclosed for filing please find Appellants' Supplemental Designation of Matter and Proof of Service of the Supplemental Designation of Matter and Amended Record on Appeal in the above-referenced appeal. Counsel for Respondent consents to the filing of the Supplemental Designation of Matter and Amended Record on Appeal (*See attached*).

The deadline to file final briefs and record on appeal is currently on or before December 6, 2022. The parties respectfully request an extension of fourteen (14) days, through December 20, 2022, to serve and file final briefs and record on appeal.

Enclosed is our firm's check in the amount of \$50.00 for this request for an extension.

With kindest regards,

EPTING & RANNIK



Angela Gross

/agg

Enclosures as stated

cc: All Counsel of Record

## Angela Gross

---

**From:** Tracey O'Brien <tobrien@qlawsc.com>  
**Sent:** Tuesday, November 22, 2022 11:47 AM  
**To:** Angela Gross  
**Cc:** Amber Sautter; Jaan Rannik; Alex Tesoriero; mikewsautter147@aol.com; Grady Query  
**Subject:** RE: Tony Billips v. Carolyn Billips (2022-000078)

Good morning:

Michael W. Sautter has indicated his consent to the Amendment and has asked that additional time be requested to file the final briefs.

*Tracey O'Brien*

Legal Assistant

Query Sautter & Associates, LLC

147 Wappoo Creek Drive, Suite 202

Charleston, SC 29412

[843-795-9500](tel:843-795-9500)

Fax: [843-762-1500](tel:843-762-1500)

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IRS CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing, or recommending to another party any transaction or matter addressed in this communication or attachment.

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**From:** Angela Gross <agg@epting-law.com>  
**Sent:** Tuesday, November 22, 2022 10:15 AM  
**To:** Angela Gross <agg@epting-law.com>  
**Cc:** Amber Sautter <asautter@qlawsc.com>; Tracey O'Brien <tobrien@qlawsc.com>; Jaan Rannik <jgr@epting-law.com>; Alex Tesoriero <atesoriero@qlawsc.com>; mikewsautter147@aol.com; Grady Query <gquery@qlawsc.com>  
**Subject:** Tony Billips v. Carolyn Billips (2022-000078)

Counselors:

In their Initial Brief, Appellants cited to the April 25, 2018 and April 23, 2019 hearing transcripts in this case but the transcripts were omitted in error from the Designation of Matter. Please let us know if you will consent to Appellants filing the attached Supplemental Designation of Matter to include the April 25, 2018 and April 23, 2019 hearing transcripts.

I have prepared an Amended Record on Appeal to include the two hearing transcripts. Below is a Dropbox containing the Amended Record on Appeal:

<https://www.dropbox.com/s/pjc2byae000i0ao/2022%2011%2022%20-%20Amended%20Record%20on%20Appeal.pdf?dl=0>

With kindest regards,



Angela Gross  
Legal Assistant to Andrew K. Epting, Jr., Esq.  
Jaan G. Rannik, Esq.  
Clinton T. Magill, Esq.  
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Charleston, SC 29401  
Telephone: (843) 377-1871  
Facsimile: (843) 377-1310  
[agg@epting-law.com](mailto:agg@epting-law.com)

---

**From:** Angela Gross <[agg@epting-law.com](mailto:agg@epting-law.com)>  
**Sent:** Monday, November 14, 2022 2:31 PM  
**To:** Court Of Appeals Filings <[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)>  
**Cc:** [asautter@qlawsc.com](mailto:asautter@qlawsc.com); [tobrien@qlawsc.com](mailto:tobrien@qlawsc.com); Jaan Rannik <[jgr@epting-law.com](mailto:jgr@epting-law.com)>; [atoriero@qlawsc.com](mailto:atoriero@qlawsc.com); [mikewsautter147@aol.com](mailto:mikewsautter147@aol.com); [gquery@qlawsc.com](mailto:gquery@qlawsc.com); Angela Gross <[agg@epting-law.com](mailto:agg@epting-law.com)>  
**Subject:** RE: Tony Billips v. Carolyn Billips (2022-000078)

Dear Sir or Madam,

Attached for filing please find the Proof of Service of the Record on Appeal and Certificate of Counsel in the above-referenced appeal.

With kindest regards,



Angela Gross  
Legal Assistant to Andrew K. Epting, Jr., Esq.  
Jaan G. Rannik, Esq.  
Clinton T. Magill, Esq.

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**From:** Angela Gross <[agg@epting-law.com](mailto:agg@epting-law.com)>  
**Sent:** Monday, November 14, 2022 2:28 PM  
**To:** [atesoriero@qlawsc.com](mailto:atesoriero@qlawsc.com); [mikewsautter147@aol.com](mailto:mikewsautter147@aol.com); [gquery@qlawsc.com](mailto:gquery@qlawsc.com)  
**Cc:** [asautter@qlawsc.com](mailto:asautter@qlawsc.com); [tobrien@qlawsc.com](mailto:tobrien@qlawsc.com); Jaan Rannik <[jgr@epting-law.com](mailto:jgr@epting-law.com)>; Angela Gross <[agg@epting-law.com](mailto:agg@epting-law.com)>  
**Subject:** Tony Billips v. Carolyn Billips (2022-000078)

Counsel,

Below is a Dropbox link containing the Record on Appeal and Certificate of Counsel for service in the above referenced matter:

<https://www.dropbox.com/scl/fo/nkcvfh16jlrjvycux4s0w/h?dl=0&rlkey=iujpn8ac5tt4tr4rdcwo8sa3t>

A Proof of Service of the Record on Appeal and Certificate of Counsel will follow under separate cover.

Please let me know if you have any difficulty accessing the file or opening the link.

With kindest regards,



Angela Gross  
Legal Assistant to Andrew K. Epting, Jr., Esq.  
Jaan G. Rannik, Esq.  
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