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Dec 05 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
The Honorable Donald B. Hocker, Circuit Court Judge
Beaufort County
Trial Court Case No. 2020-CP-07-1064

APPELLATE CASE NO. 2022-001547

Turner's Marina LLC,

Respondent-Appellant,

vs.

Paige Lorberbaum, Jeffrey Klapper, and Diane L. Klapper,

Defendants,

Of whom Paige Lorberbaum is the Appellant-Respondent and Jeffrey A. Klapper and Diane L. Klapper are Respondents.

**RESPONDENT-APPELLANT TURNER'S MARINA LLC'S
DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

Respondent-Appellant Turner's Marina LLC proposes the following to be included in the Record on Appeal:

1. Amended Summons and Complaint dated May 13, 2020;
2. Answer and Counterclaim of Defendants Klapper dated June 10, 2020;
3. Answer and Counterclaim of Defendant Lorberbaum dated June 12, 2020;
4. Answer of Defendant Coastal States Bank dated June 12, 2020;
5. Consent Order Dismissing Coastal States Bank dated April 28, 2022;
6. Second Motion In Limine by Defendant Lorberbaum dated May 18, 2022;

7. Final Order of August 4, 2022;
8. Turner's Marina's Motion To Alter or Amend dated August 15, 2022;
9. Memo in Support of Turner's Marina's Motion To Alter or Amend dated September 2, 2022;
10. Turner's Marina's Petition for Reformation of Right of Repurchase dated September 16, 2022;
11. Order Denying Motions To Alter or Amend dated September 27, 2022;
12. Turner's Marina's Notice of Cross-Appeal dated November 3, 2022 and Exhibits;
13. Plaintiff's Exhibits 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16;
14. Portions of Transcript of Record as follows:
 - a. Testimony of Neil Turner, pp. 25, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 47, 48, 49, 50, 51, 68, 69;
 - b. Testimony of Christy Harper, pp. 78, 79, 80, 81, 82, 86, 87;
 - c. Testimony of Chester Williams, Esq., pp. 93, 94, 101, 102, 103, 104, 105, 106, 107, 108, 109, 111;
 - d. Testimony of Jeff Klapper, pp. 161, 162, 165, 166, 167, 168;
 - e. Testimony of Paige Lorberbaum, pp. 172, 173, 174, 175, 181, 182, 183, 185, 186, 188; and,
15. Defendant Lorberbaum's Exhibit 9.

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

s/Thomas C. Taylor
Thomas C. Taylor, Esq.
South Carolina Bar No.: 5499
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ATTORNEY FOR RESPONDENT-APPELLANT
TURNER'S MARINA LLC

Bluffton, South Carolina
December 5, 2022

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Defendants,

Of whom Paige Lorberbaum is the Appellant-Respondent and Jeffrey A. Klapper and Diane L. Klapper are Respondents.

PROOF OF SERVICE

I hereby certify that this law firm represents the Respondent-Appellant Turner's Marina LLC in the above-captioned matter and that on the date below, in Bluffton, South Carolina, a copy of the foregoing was served on the following persons via electronic mail to their AIS E-mail address:

**Documents Served: INITIAL BRIEF OF RESPONDENT-APPELLANT
TURNER'S MARINA LLC; and,**

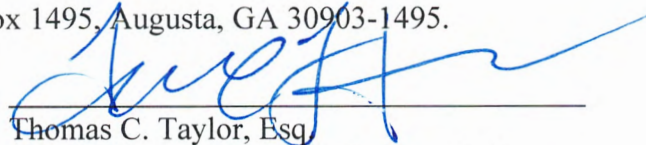
**RESPONDENT-APPELLANT TURNER'S MARINA LLC'S
DESIGNATION OF MATTER TO BE INCLUDED IN
RECORD ON APPEAL**

Parties Served:

**Russell P. Patterson, Esq.
Russell P. Patterson, P.A.
SC Bar No.: 4375
Post Office Box 8047
Hilton Head Island, SC 29938
russell@russellpattersonlaw.com
ATTORNEY FOR APPELLANT-RESPONDENT
PAIGE N. LORBERBAUM**

**James S. Murray, Esq.
Turner Padget Graham & Laney, PA
Post Office Box 1495
Augusta, GA 30903-1495
JMurray@TurnerPadget.com
ATTORNEY FOR RESPONDENTS
JEFFREY A. KLAPPER AND DIANE L. KLAPPER**

Additionally, I hereby certify that copies of the documents were deposited in the United States Mail on this date, with sufficient First-Class postage pre-paid, addressed to Mr. Patterson at Post Office Box 8047, Hilton Head Island, South Carolina, 29938, and to Mr. Murray at Post Office Box 1495, Augusta, GA 30903-1495.



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Bluffton, SC
December 5, 2022

ATTORNEY FOR RESPONDENT-APPELLANT
TURNER'S MARINA LLC

LAW OFFICE OF
THOMAS C. TAYLOR, LLC

ADMITTED TO THE UNITED STATES
SUPREME COURT BAR

ADMITTED IN SOUTH CAROLINA,
COLORADO AND GEORGIA

CERTIFIED SC CIRCUIT
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December 5, 2022

Via E-Mail Attachment to: ctappfilings@sccourts.org and tpclark@sccourts.org

Mr. Tyler Clark,
SC Court of Appeals
Appeals Specialist
1220 Senate Street
Columbia, SC 29201

RECEIVED

Dec 05 2022

SC Court of Appeals

Re: Turner's Marina LLC vs. Paige Lorberbaum, Jeffrey Klapper and Diane L. Klapper; Appellate Case No.: 2022-001547; Respondent-Appellant's Initial Brief, Designation of Matter and Proof of Service

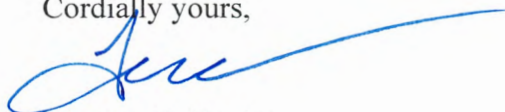
Dear Mr. Clark,

As your file indicates, I represent the Respondent-Appellant Turner's Marina LLC in this appeal. On behalf of Turner's Marina LLC, I attach hereto for electronic filing the following:

- a. Respondent-Appellant's Initial Brief;
- b. Respondent-Appellant's Designation of Matter; and,
- c. Proof of Service of a copy of the documents upon Paige Lorberbaum's counsel Russell Patterson and the Klappers' counsel, James Murray.

I am one of the thousands of businesses who have lost their email ability because of the Rackspace crash, and am sending this from my personal email address. Would you please be so kind as to confirm your receipt of these documents today by return email to bramspoint@outlook.com? Thank you as always for your professionalism in these matters, and please let me know if you have any questions.

Cordially yours,



Thomas C. Taylor

TCT/dpt

Enclosures

cc: Russell Patterson, Esq., via email and US Mail
James Murray, Esq., via email and US Mail
Neil Turner via email