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Dec 28 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas
The Honorable R. Scott Sprouse

Case No. 2020-CP-04-01202
Appellate Case No. 2022-001527

Moats Construction, Inc.,

Appellant,

v.

Cecil R. Dyar,

Respondent.

APPELLANT'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

David L. Paavola, SC Bar No. 100714
LEWIS BABCOCK L.L.P.
Post Office Box 11208
Columbia, South Carolina 29211
(803) 771-8000
Attorney for Moats Construction, Inc.

Appellant, Moats Construction, Inc. designates the following matter to be included in the record on an appeal:

Orders

1. Form 4 Order Summary Judgment (May 4, 2021)
2. Order Granting Defendant's Motion for Summary Judgment (June 10, 2021)
3. Form 4 Order Damages (April 11, 2022)
4. Form 4 Order Denying Motion Reconsideration Summary Judgment (July 21, 2022)
5. Order Denying Motion/Alter and/or Amend (October 4, 2022)
6. Notice of Sale (October 10, 2022)
7. Consent Order and Satisfaction of Judgment (November 23, 2022)

Judgments

8. Order Granting Defendant's Motion for Damages and Judgment of Foreclosure and Sale (July 21, 2022)

Pleadings and Motions

9. Complaint with Exhibit (June 2, 2020)
10. Answer and Counterclaim with Exhibit (June 23, 2020)
11. Motion for Judgment on the Pleadings or, in the alternative, Motion for Summary Judgment with Exhibit (February 18, 2021)
12. Motion Enlargement of Time to Reply to Counterclaim with Exhibit (Feb. 22, 2021)
13. Memorandum in Opposition to Motion for Default Judgment and Motion for Summary Judgment with Exhibits (April 11, 2021)
14. Motion to Reconsider & Amend Judgment (May 7, 2021)
15. Amended Motion to Reconsider & Amend Judgment (June 18, 2021)
16. Plaintiff's Motion to Alter or Amend Order Defendant's Motion for Damages and Judgment of Foreclosure and Sale with Exhibits (July 29, 2022)

Transcripts

17. Transcript of Record of Hearing Motion for Summary Judgment pp. 1-19 (April 13, 2021)
18. Transcript of Record of Hearing Damages pp. 1-58 with Exhibits (February 24, 2022)
19. Transcript of Record of Hearing Proposed Damages Order, Motion Reconsider, Motion Relieve as Counsel, Status Conference 4-21 (July 20, 2022).
20. Transcript of Record of Hearing Motion to Alter or Amend Damages pp. 1-23 (September 8, 2022)

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

/s/ David L. Paavola
David L. Paavola, SC Bar No. 100714
LEWIS BABCOCK L.L.P.
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Columbia, South Carolina 29211
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Attorney for Moats Construction, Inc.

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PROOF OF SERVICE

I certify that I have served the Initial Brief of Appellant and Appellant's Designation of Matter to Be Included in the Record on Appeal on James W. Logan, Jr., counsel for Respondent Cecil R. Dyar, by email sent to his primary e-mail address listed in the Attorney Information System, logan@loganandjolly.com on December 28, 2022. See attached email.

/s/ David L. Paavola
David L. Paavola, SC Bar# 100714
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Attorney for Appellant

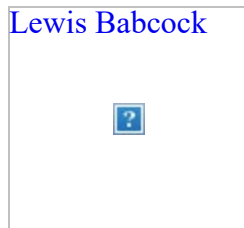
December 28, 2022

From: [David L. Paavola](#)
To: [Jim Logan](#)
Cc: [David L. Paavola](#); [Pat K. McCright](#)
Subject: Moats Construction Inc. v. Cecil Dyar - Initial Brief & Designation of Matter
Date: Wednesday, December 28, 2022 4:14:17 PM
Attachments: [20221228 Moats Construction Initial Brief.pdf](#)
[20221228 Moats Construction Designation of Matter for Record on Appeal.pdf](#)
[20221228 Proof of Service.pdf](#)

Jim,

Attached is Moats Construction, Inc.'s Initial Brief and Designation of Matter to be included in Record on Appeal for service in accordance with Rule 262, SCACR. These documents will be filed in the Court of Appeals shortly.

Sincerely,



David L. Paavola
Attorney

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SC Court of Appeals

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org

Re: Moats Construction, Inc. v. Cecil R. Dyar
 Case No. 2020-CP-04-01202
 Appellate Case No. 2022-001527
 Our File Number 22-106

Dear Ms. Kitchings:

Enclosed for filing please find the Initial Brief of Appellant, Appellant's Designation of Matter to Be Included in the Record on Appeal, and Proof of Service in the above referenced matter.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Paavola', written over a light blue horizontal line.

David L. Paavola

DLP:pkm
Enclosure

cc: James W. Logan, Jr., Esq.
 logan@loganandjolly.com