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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
R. Ferrell Cothran, Jr., Circuit Court Judge

Appellate Case No. 2022-001587

315 Corley CW LLC; 368 Mount Pelia LLC; Bridge Charleston Investments B LLC; Bridge Charleston Investments C LLC; Bridge Charleston Investments E LLC; Bridge Charleston Investments H LLC; Anne Bosler and Dylan Hart as Trustees of the Bosler-Hart Trust; Geoffrey J. Block; R. Jeffrey Kimball and Deborah S. Kimball; Sebrina Leigh-Jones and Chris Leigh-Jones; Jennifer Albero; Live Oak Assets LLC; Matthew N. Lynch and Barbara A. Lynch; MKM 22 West LLC; One Rumford Lane LLC; Salt Works LLC; and TTJR LLC; individually, derivatively, and as class representatives, as set forth herein, Respondents/ Appellants,

v.

Palmetto Bluff Development, LLC; Palmetto Bluff Club, LLC; Palmetto Bluff Real Estate Company, LLC; PBLH, LLC; Montage Palmetto Bluff, LLC; Palmetto Bluff Preservation Trust, Inc.; Palmetto Bluff Preservation Trust Board of Stewards: Jordan Phillips; Mark Polites; Gray Ferguson; Henry Armistead; South Street Partners LLC; John Does 1-25, Appellants/ Respondents.

**APPELLANTS / RESPONDENTS' DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellants/Respondents (“Defendants”) propose the following to be included in the Record on Appeal:

1. Verified Complaint, with exhibits, filed April 12, 2022
2. Plaintiffs’ Motion to Stay Arbitration and Application for Summary Proceedings on the Invalidity of the Purported Arbitration Clause, filed May 10, 2022
3. Defendants’ Motion to Dismiss - or - in the Alternative, to Compel Arbitration and Stay, with exhibits, filed May 24, 2022
4. Exhibit A to Memorandum in Support of Defendants’ Motion to Dismiss Pursuant to SCRCP 12(b)(8), filed July 15, 2022
5. Affidavit of Gray Ferguson, with exhibits, attached as Exhibit A to Memorandum in Support of Defendants’ Motion to Compel Arbitration - and - in Opposition to Plaintiffs’ Motion to Stay Arbitration / for Summary Proceedings, filed July 15, 2022
6. Exhibit B, with sub-exhibits, to Memorandum in Support of Defendants’ Motion to Compel Arbitration - and - in Opposition to Plaintiffs’ Motion to Stay Arbitration / for Summary Proceedings, filed July 15, 2022
7. Exhibit 1 to Plaintiffs’ Memorandum in Support of Plaintiffs’ Motion for Partial Summary Judgment, filed July 17, 2022
8. Order of September 15, 2022, granting Plaintiffs’ Motion to Stay Arbitration and to Invalidate Purported Arbitration Clause, denying Defendants’ Motion to Compel Arbitration, and denying Defendants’ Motion to Dismiss
9. Defendants Motion to Alter or Amend Order Granting Plaintiffs’ Motion to Stay Arbitration, Denying Defendants’ Motion to Compel Arbitration, and Denying Defendants’ Motion to Dismiss Pursuant to SCRCP 12(b)(8), filed September 26, 2022
10. Amended Order of November 2, 2022
11. Form 4 Order of November 8, 2022, holding the Court’s Amended Order of November 2, 2022 was entered in relation to Defendants’ Motion to Alter or Amend, filed September 26, 2022
12. Defendants’ Notice of Appeal, without exhibits, filed November 15, 2022

13. Plaintiffs' Cross-Notice of Appeal, filed December 5, 2022

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

s/Val H. Stieglitz
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Pro Hac Vice Application Pending

January 30, 2023

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