

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

RECEIVED

Mar 30 2023

The Honorable Jean Hoefer Toal, Circuit Court Judge

SC Court of Appeals

Appellate Case No.: 2023-000060
Trial Court Case No.: 2021-CP-40-03672

Bill R. Sharpe and Angela Sharpe,..... Respondents,

v.

Rocky Rutherford, Legacy Equipment, Inc., and
G.A. West and Company, Inc. Appellants.

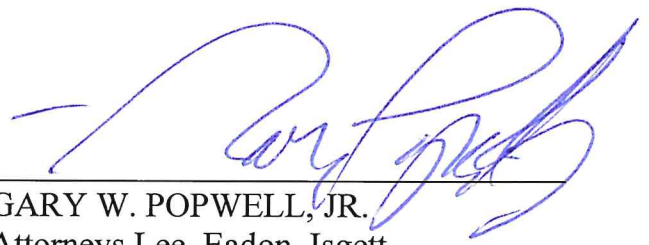
**RESPONDENTS' DESIGNATION OF
MATTER TO BE INCLUDED IN THE
RECORD ON APPEAL**

Pursuant to Rule 209, SCRAP, the Appellants propose the following be included in the Record on Appeal:

1. Order Granting Summary Judgment on Liability Alone dated December 9, 2022;
2. Order Denying Defendants' Motion to Reconsider dated January 10, 2023;
3. Motion for Summary Judgment dated June 28, 2022;
4. Plaintiffs' Memorandum in Support of an Order Granting Summary Judgment including Exhibits A through F, dated November 10, 2022;

5. Defendants' Memorandum Opposing Summary Judgment;
6. Defendants' Motion to Reconsider and Memorandum dated December 19, 2022;
7. Plaintiffs' Reply to Motion to Reconsider and Memorandum dated December 21, 2022;
8. Complete Transcript of Motion Hearing of November 29, 2022;
9. Summons and Complaint dated July 23, 2021;
10. Deposition of Respondent Bill R. Sharpe, pp. 67-68; 77; 85-86;
11. Deposition of Appellant Rocky Rutherford, pp. 8-12; 15-17;

The undersigned certifies that the Designation contains no matter which is irrelevant to the appeal.



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Attorney for Respondents

March 29, 2022.

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G.A. West and Company, Inc. Appellants.

PROOF OF SERVICE

I certify that I have served the *Respondents' Initial Brief and Designation of Matter to be Included in the Record on Appeal* on Appellants by emailing to their attorneys of record as follows: Everett A. Kendall, Esquire (*rkendall@murphygrantland.com*) and Phillip Florence, Jr., Esquire (*pflorence@murphygrantland.com*) - Post Office Box 6648 – Columbia, SC 29260; Mark B. Goddard, Esquire (*mgoddard@turnerpadget.com*) - Post Office Box 1473 – Columbia, SC 29202; Thomas Jonathan Clark, Esquire (*jclark@wardfirm.com*) and John Elliott Rogers, II, Esquire (*jrogers@wardfirm.com*) – Post Office Box 5663 – Spartanburg, SC 29304.

March 29, 2023.

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The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
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1220 Senate Street
Columbia, South Carolina 29211

**Re: Bill R. Sharpe and Angela Sharpe -vs- Rocky Rutherford, Legacy
Equipment, Inc., and G.A. West and Company, Inc.
Appellate Case No.: 2023-000060**

Dear Ms. Kitchings:

Please find enclosed for filing the Initial Brief of Respondents and Designation of Matter to Be Included in the Record on Appeal, along with the Proof of Service, in the above-referenced matter.

Please return clocked copies via email.

By copy of this letter and as evidenced by the attached Proof of Service, I am serving a copy of the Initial Brief of Appellant and Designation of Matter to Be Included in the Record on Appeal on counsel for the Appellants.

Respectfully submitted,


GARY W. POPWELL, JR.

GWPJr/gsr
Enclosures

cc: Everett A. Kendall, Esquire (rkendall@murphygrantland.com)
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