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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Hon. J. Derham Cole, Circuit Court Judge

Appellate Case No. 2023-000155
Case No. 2019-CP-23-06915

Richard D. White, Appellant,

v.

FT Acquisitions, LLC; Commercial Food Service Repair, Inc.;
and Kurt Herwald, Respondents.

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

Pursuant to Rule 209, SCACR, Respondents FT Acquisitions, LLC, Commercial Food Service Repair, Inc., and Kurt Herwald (collectively, “Respondents”) designate the following matter for inclusion in the record on appeal. Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to the appeal:

Orders

1. Form 4 Order Denying Motions for Summary Judgment (June 1, 2021)
2. Form 4 Order Granting Motion for Summary Judgment (August 22, 2022)
3. Order Granting Motion for Summary Judgment (September 14, 2022)
4. Form 4 Order Denying Motion to Alter and Amend (January 13, 2023)

Pleadings

5. Summons and Complaint (November 26, 2019)

6. Answer to Complaint and Counterclaims (February 10, 2020)
7. Amended Summons and Complaint (March 9, 2020)
8. Answer to Amended Complaint and Counterclaims (March 24, 2020)
9. Plaintiff's Answer to Counterclaims (June 3, 2020)
10. Stipulation of Dismissal of Second Counterclaim (April 28, 2021)
11. Second Amended Summons and Complaint (July 19, 2021)
12. Answer to Second Amended Complaint and Counterclaims (August 3, 2021)
13. Plaintiff's Answer to Second Amended Counterclaims (August 31, 2021)
14. White's Notice of Appeal (January 30, 2023)

Motions and Memoranda

15. Plaintiff's Motion for Summary Judgment (March 8, 2021)
16. Defendants' Motion for Summary Judgment (March 10, 2021)
17. Defendants' Memorandum in Support of Motion for Summary Judgment, and Exhibits A through K (May 14, 2021)
18. Defendants' Memorandum in Opposition to Plaintiff's Motion for Summary Judgment, and Exhibits A through K (May 14, 2021)
19. Plaintiff's Motion to Amend Complaint (May 14, 2021)
20. Plaintiff's Opposition to Motion for Summary Judgment, and Exhibits 1 through 18 (May 16, 2021)
21. Defendants' Motion for Summary Judgment, and Exhibit A (April 6, 2022)
22. Memorandum in Support of Defendants' Motion for Summary Judgment and Exhibits A through K (April 29, 2022)
23. Plaintiff's Motion to Alter or Amend (September 24, 2022)
24. Plaintiff's Memorandum in Support of Motion to Alter or Amend, and Exhibits 1 through 22 (September 24, 2022)
25. Defendants' Memorandum in Opposition to Plaintiff's Motion to Alter and Amend and Exhibits A, B, and C (November 11, 2022)

Transcripts

26. Hearing Transcript (May 21, 2021)
27. Hearing Transcript (May 9, 2022)
28. Hearing Transcript (December 1, 2022)

Other Miscellaneous Material

29. E-mail correspondence from Giles M. Schanen, Jr. and Devon Puriefoy to the trial court (May 17-18, 2021)
30. E-mail correspondence from Elizabeth Edmondson to the trial court (May 9, 2022)
31. E-mail correspondence from Giles M. Schanen, Jr. to the trial court (December 1, 2022)

MAYNARD NEXSEN, P.C.

By: *s/Giles M. Schanen, Jr.* _____

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Greenville, South Carolina
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