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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

WILLIAM H. SEALS, JR., CIRCUIT COURT JUDGE
Circuit Court Case No. 2022-CP-26-01323

Appellate Case No. 2023-000192

HSS Barefoot, LLC d/b/a Century 21 Barefoot, R&G Corp d/b/a Century 21
The Harrelson Group, Kevin Mills, individually, Mills, LLC, and Greg
Harrelson, individually, Respondents,

v.

Joel D. Barber, individually and as licensed realtor, Barber Real Estate, Inc.,
Nicholas Fitzpatrick, as licensed realty, Darcy Varney, individually, and as
broker-in-charge, eXp Realty, LLC, James Ray Lunsford, individually and as
broker-in-charge, and NorthGroup Real Estate, Inc., Defendants,

Of Whom Joel D. Barber is the Appellant.

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

Pursuant to Rule 209, SCACR, Respondents, through counsel, hereby designates the
following material for inclusion in the Record on Appeal:

- 1) Summons and Verified Complaint, filed March 2, 2022.
- 2) Plaintiffs' Motion for a Temporary Restraining Order and Temporary Injunction;
filed March 2, 2022.
- 3) Affidavit of Greg Harrelson, filed March 2, 2022.
- 4) Second Affidavit of Greg Harrelson, filed March 29, 2022.

- 5) Plaintiffs Memorandum in Support of Motion for Temporary Injunction, filed March 30, 2022.
- 6) Order Granting Temporary Injunction, filed April 8, 2022.
- 7) Summons and Amended Complaint and accompanying Exhibits, filed May 4, 2022.
- 8) Affidavit of Rob Safa, filed July 25, 2022.
- 9) Affidavit of Susan Brown, filed July 25, 2022.
- 10) Third Affidavit of Greg Harrelson, filed July 25, 2022.
- 11) Plaintiffs' Motion for Contempt and Sanctions against Defendant, Joel D. Barber, filed July 25, 2022.
- 12) Order Granting Plaintiffs' Motion for Contempt against Defendant Joel D. Barber, filed November 22, 2022.
- 13) Transcript of Hearing in Court of Common Pleas, held November 16, 2022.
- 14) Defendant Joel D. Barber's Motion to Reconsider, filed November 22, 2022.
- 15) Plaintiffs' Reply Memorandum of Law in Opposition to Defendant Joel D. Barber's Motion to Reconsider and accompanying Exhibits, filed December 28, 2022.

Exhibit A – Transcript of March 31, 2022 Hearing

Exhibit B – Homebot_000752, Exhibit 52 and 53, Joel Barber Deposition Filed Under Seal

Exhibit C – Excerpts from Deposition of Joel Barber

Exhibit D – Excerpts of First Citizens Bank's Subpoena Response

Exhibit E – Order Regarding E-Discovery Protocol
- 16) Defendant Joel D. Barber's Memorandum of Law in Support of Motion to Reconsider and accompanying Exhibits, filed December 29, 2022.
- 17) Third Affidavit of Kevin Mills, filed December 30, 2022.
- 18) Fifth Affidavit of Greg Harrelson and accompanying Exhibits, filed December 30, 2022.
- 19) Plaintiffs' Second Motion for Contempt, filed January 3, 2023.
- 20) Form 4 Order on Defendant Joel D. Barber's Motion to Reconsider, filed January 9, 2023.

- 21) Amended Order Granting Plaintiffs' Motion for Contempt against Defendant Joel D. Barber, filed January 26, 2023.
- 22) Notice of Appeal, filed February 7, 2023.
- 23) Defendant Joel D. Barber's Motion to Stay Enforcement of Contempt Order Pending Appeal, filed February 7, 2023.
- 24) Plaintiffs' Supplement to Second Motion for Contempt and Sanctions Against Defendant Joel D. Barber, filed March 16, 2023.
- 25) Sixth Affidavit of Greg Harrelson, filed March 16, 2023.
- 26) Form 4 Order on Defendant's Motion to Stay Contempt Order, filed March 24, 2023.
- 27) Appellant's Verified Petition for Writ of Supersedeas, filed April 3, 2023.
- 28) Return to Appellant's Verified Petition for a Writ of Supersedeas, filed May 5, 2023.
- 29) Order Denying Petition for Writ of Supersedeas, filed May 17, 2023.
- 30) Appellant's Initial Brief, filed May 31, 2023.

The undersigned certifies, pursuant to Rule 209(c), SCACR, that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,

BURR & FORMAN LLP

Dated: July 31, 2023

s/ James K. Gilliam

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