

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

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Appellate Case No. 2023-000780  
Case No. 2018-CP-40-04841

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**RECEIVED**  
**Nov 03 2023**  
**SC Court of Appeals**

Bierer and Associates, Inc.,.....Appellant,

v.

Jan F. Kennerly, Jr.; Danielle Kennerly; EUSA, LLC; J&D Farms, LLC; Trystar, LLC; Travis Pattern & Foundry, Inc.; Illinois Tool Works, Inc.; and David Deinek,

of whom, Trystar, LLC and Travis Pattern & Foundry, Inc. are.....Respondents.

AND

Jan F. Kennerly, Jr.,.....Defendant/Third Party Plaintiff,

v.

Walter Bierer; Brent Jefferies; and Joseph Bierer.....Third Party Defendants.

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RESPONDENT TRAVIS PATTERN & FOUNDRY, INC.'S DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL

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Respondent Travis Pattern & Foundry, Inc. proposes that the following is included in the  
Record on Appeal:

**ORDERS**

1. Order for Case Assignment to the Business Court, February 26, 2019
2. Form 4 Order Granting Summary Judgment to Travis Pattern & Foundry, Inc. and Trystar, LLC, January 6, 2023

3. Order Granting Summary Judgment to Travis Pattern & Foundry, Inc. and Trystar, LLC, February 6, 2023
4. Form 4 Order Denying Plaintiff's Motion to Reconsider, April 3, 2023
5. Order Denying Plaintiff's Motion to Reconsider, May 5, 2023

#### **PLEADINGS**

6. Summons and Complaint, September 11, 2018
7. Bierer's Third Amended Complaint, April 15, 2021
8. Defendant Travis Pattern & Foundry, Inc.'s Answer to Plaintiff's Third Amended Complaint, June 23, 2021
9. Answer to Third Amended Complaint by Defendant Trystar, LLC, December 17, 2021

#### **MOTIONS**

10. Defendant Travis Pattern & Foundry, Inc.'s Motion for Summary Judgment, with exhibits, September 28, 2022
11. Defendant Trystar, LLC's Motion for Summary Judgment and Memorandum of Law in Support, with exhibits, October 26, 2022
12. Plaintiff's Response in Opposition to Travis Pattern & Foundry, Inc.'s Motion for Summary Judgment, with exhibits, December 28, 2022
13. Plaintiff's Response in Opposition to Trystar, LLC's Motion for Summary Judgment, with exhibits, December 28, 2022
14. Defendant Trystar, LLC's Reply in Support of Its Motion for Summary Based on the Statute of Limitations, December 30, 2022
15. Defendant Travis Pattern & Foundry, Inc.'s Reply in Support of Motion for Summary, January 3, 2023
16. Plaintiff's Motion to Reconsider, February 16, 2023
17. Defendant Travis Pattern & Foundry, Inc.'s Response in Opposition to Bierer and Associates, Inc.'s Motion to Reconsider, February 23, 2023

18. Defendant Trystar's Response in Opposition to Plaintiff's Motion to Reconsider, February 23, 2023
19. Plaintiff's Supplement to Motion to Reconsider, with exhibit, March 31, 2023

**OTHER**

20. Transcript of January 4, 2023 hearing before the Honorable R. Lawton McIntosh
21. Transcript of March 30, 2023 hearing before the Honorable R. Lawton McIntosh
22. Notice of Appeal, May 9, 2023

The undersigned hereby certify pursuant to Rule 209(c), SCARCR, that this designation does not include any matter which is irrelevant to this appeal.

Respectfully submitted,

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Dated: November 3, 2023