

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

APPEAL FROM RICHLAND COUNTY  
COURT OF COMMON PLEAS

**Nov 06 2023**

**SC Court of Appeals**

R. LAWTON MCINTOSH, CIRCUIT JUDGE

APPELLATE CASE NO. 2023-000780  
CASE NO. 2018-CP-40-04841

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 JEFFRIES, AND  
JOSEPH BIERER, Third Party Defendants.

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

Trystar, LLC proposes the following to be 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.
23. PowerPoint presentation used by Trystar during the March 30, 2023 Motion To Reconsider Hearing, submitted March 31, 2023.

I certify pursuant to Rule 209(c), SCARCR, that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,

/s/ Brian C. Duffy  
Brian C. Duffy (S.C. Bar No. 16247)  
Blake A. McKie (SC Bar No. 80198)  
DUFFY & YOUNG LLC  
96 Broad Street  
Charleston, South Carolina 29401  
(843) 720-2044 – Telephone  
(843) 720-2047 – Fax  
bduffy@duffyandyoung.com  
bmckie@duffyandyoung.com

and

John Ursu (*pro hac vice* MN Bar #32257X)  
FAEGRE DRINKER BIDDLE & REATH LLP  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402  
Tel: (612) 766-7000  
Fax: (612) 766-1600  
john.ursu@faegredrinker.com

*Attorneys for Trystar LLC*