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Nov 22 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Hon. Roger M. Young Sr., Circuit Court Judge

Circuit Court Case No. 2019-CP-10-05392
S.C. Court of Appeals Case No. 2022-001795

Kevin Staveley-O-Carroll,

Appellant,

v.

Fenix Automotive, LLC,

Respondent.

**AMENDED DESIGNATION OF MATTER
TO BE INCLUDED IN RECORD ON APPEAL**

W. Westbrook Wills III (SC Bar No. 76681)
LAW OFFICE OF
W. WESTBROOK WILLS III
PO Box 822
Folly Beach, SC 29439
(843) 805-6300 (telephone)
(866) 922- 8596 (facsimile)
ATTORNEY FOR APPELLANT

Appellant designates the following matter to be included in the Record on Appeal:

ORDERS

Order of Judgment by Default, January 29, 2020
Form 4 Order to Submit Proposed Order of Damages, filed August 26, 2021
Form 4 Order to Submit Proposed Order of Damages, filed August 26, 2021
Order of Judgment for Damages, Hon. Robert M. Young Sr., filed October 7, 2021
Order Denying Plaintiff's Rule 59 Motion, filed November 2, 2021
Order Dismissing Appeal, filed by the S.C. Court of Appeals on January 28, 2022
Remittitur, February 17, 2022
Order Denying Defendant's Motion to Alter or Amend a Judgment Pursuant to Rule 59(e), filed December 5, 2022

PLEADINGS

Plaintiff's Complaint, filed October 21, 2019
Notice of Appeal (Plaintiff's First Notice of Appeal), filed on November 17, 2021
Notice of Appeal (Plaintiff's Second Notice of Appeal), filed December 13, 2022

TRANSCRIPTS

Transcript of Damages Hearing, August 25, 2021

MOTIONS AND OTHER DOCUMENTS

Plaintiff's Memorandum of Law in Support of Damages, filed August 19, 2021
Plaintiff Exhibits submitted during Damages Hearing on August 25, 2021
Defendant's Proposed Order of Judgment for Damages, submitted on September 7, 2021
Plaintiff's Proposed Order of Judgment for Damages, submitted on September 10, 2021
Plaintiff's Revised Proposed Order of Judgment for Damages, submitted on September 17, 2021
Defendant's Revised Proposed Order of Judgment for Damages (redline copy), submitted on September 17, 2021
Defendant's Revised Proposed Order of Judgment for Damages (clean copy), submitted on September 17, 2021
Counsel for Defendant's e-mail attaching Defendant's Proposed Order of Judgment for Damages (both redline and clean copies), September 17, 2021
Plaintiff's Proposed Form 4 Order of Judgment, submitted on October 6, 2021
Defendant's proposed Form 4 Order of Judgment, submitted October 6, 2021
Defendant's Amended Proposed Order of Judgment for Damages, submitted on October 14, 2021
Defendant's Amended Proposed Form 4 Order, submitted October 14, 2021
Defendant's Motion to Alter or Amend Judgment ("Defendant's Rule 59 Motion"), filed on October 14, 2021

E-mail from Michael E. Secrist, Law Clerk to the Honorable Robert M. Young Sr. to counsel for the parties, October 14, 2021

E-mail reply from counsel for Plaintiff to Michael E. Secrist, October 14, 2021

E-mail to Nathalie Williams, Court Reporter, October 15-17, 2021

Plaintiff's Notice of Motion and Motion to Alter, Amend, and Reconsider ("Plaintiff's Rule 59 Motion"), filed on October 15, 2021

Respondent's Motion to Dismiss Appeal, filed on December 7, 2021

E-mail from Natalie Williams, Court Reporter, attaching transcript, December 11, 2021

Letter from Plaintiff's counsel to the Hon. Roger M. Young Sr. (with copy to counsel for Defendant), November 10, 2022 ("Plaintiff's Letter to Judge Young")

Letter from Counsel for Defendant to the Hon. Roger M. Young Sr. (with copy to counsel for Plaintiff), November 17, 2022 (Counsel for Defendant's Letter to Judge Young

E-mail from Counsel for Defendant to Max Mazurek, Law Clerk to the Hon. Roger M. Young Sr., November 17, 2022 (attaching Defendant's Letter to Judge Young)

E-mail from Max Mazurek, Law Clerk to the Hon. Roger M. Young Sr. to Counsel for the Parties, November 18, 2022

The undersigned attorney for Appellant hereby certifies that this Designation contains no matter, which is irrelevant to the appeal.

/s/ W. Westbrook Wills III
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Other counsel of record:

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P.O. Box 2439
Mt. Pleasant, SC 29465
ATTORNEY FOR RESPONDENT

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PROOF OF SERVICE

I certify that I have served the enclosed Appellant's Amended Designation of Matter to be Included in the Record on Appeal upon the Respondent, e-mail and by depositing a copy of each of them in the United States Mail, postage prepaid, on November 22, 2023 addressed to Respondent's attorney of record, Damien A. Sobieraj, Esq., Cooper River Legal Services, LLC, P.O. Box 2439, Mt. Pleasant, SC 29465.

/s/ W. Westbrook Wills III
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