

RECEIVED

Dec 04 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas
The Honorable J. Cordell Maddox, Jr. Circuit Court Judge

Appellate Case No. 2023-001479
Case No. 2021-CP-02-00889

Julianne FosterRespondent,

v.

Rhett Riviere, Katherine A. Thomas, Chase Enterprises, LLC of
South Carolina, and Airbnb, Inc., Defendants,

of which

Airbnb, Inc., is the.....Appellant,

and

Rhett Riviere is a.....Respondent.

Appellant’s Designation of Matter to be Included in the Record on Appeal

Appellant Airbnb, Inc. designates the following material under Rule 209, SCACR, for inclusion in the record on appeal. Undersigned counsel certifies, under Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to this appeal.

Orders

1. Order Denying Airbnb’s Motion to Compel Arbitration, filed September 13, 2023
2. Order Staying Case Pending Appellate Decision, filed August 24, 2023.

3. Order Granting Plaintiff's Motion for Rule to Show Cause Against Airbnb, filed August 24, 2023
4. Order Denying Riviere's Motions to Compel Arbitration and Dismiss, filed July 26, 2023
5. Form 4 Order taking Airbnb's Motion to Stay, Rhett Riviere's Motion to Compel, and Plaintiff's Rule to Show Cause under Advisement, filed June 21, 2023
6. Form 4 Order (11:28 AM) granting Plaintiff's Motions to Compel Production, filed May 25, 2023
7. Form 4 Order (11:12 AM) granting Airbnb's Motion for Leave to Amend, May 25, 2023

Pleadings

8. Plaintiff's Summons & Complaint, filed April 28, 2021
9. Airbnb's Answer, filed February 4, 2022
10. Plaintiff's Amended Summons & Complaint, filed November 30, 2022
11. Airbnb's Answer to the Amended Complaint and Crossclaim, filed April 20, 2023
12. Airbnb's Third-Party Summons and Complaint, filed April 20, 2023

Motions, Supporting Memoranda, & Other Filings

Airbnb's Motion to Compel Arbitration

13. Airbnb's Motion to Compel Arbitration & Exhibit, filed May 15, 2023
14. Plaintiff's Response in Opposition to Airbnb's Motion to Compel Arbitration & Exhibits, filed June 6, 2023
15. Airbnb's Reply in Support of its Motion to Compel Arbitration & Exhibits, filed June 12, 2023
16. Letter from Airbnb's Counsel (Brown) to Judge Maddox & Exhibit, filed June 14, 2023
17. Letter from Plaintiff's Counsel (Barbier) to Judge Maddox & Exhibit, filed June 16, 2023
18. Letter from Plaintiff's Counsel (Brown) to Judge Maddox & Exhibit, filed June 16, 2023

19. Airbnb's Supplemental Memorandum in Support of its Motion to Compel, filed July 21, 2023
20. Plaintiff's Response in Opposition to Airbnb's Supplemental Memorandum in Support of its Motion to Compel Arbitration, filed July 28, 2023

Airbnb's Motion to Stay

21. Airbnb's Motion to Stay, filed May 16, 2023
22. Plaintiff's Response in Opposition to Airbnb's Motion to Stay, filed June 6, 2023
23. Airbnb's Reply in Support of its Motion to Stay, filed June 12, 2023

Joint Motion to Acknowledge the Automatic Stay

24. Joint Motion of Airbnb and Rhett Riviere to Acknowledge Automatic Stay, filed July 28, 2023
25. Plaintiff's Response in Opposition to Joint Motion to Acknowledge Stay, filed July 31, 2023
26. Airbnb's Reply in Support of Joint Motion to Acknowledge Stay & Exhibit, filed August 9, 2023

Plaintiff's Motions to Compel Production

27. Plaintiff's Motion to Compel Production (RFPs 45–48), filed January 18, 2023
28. Plaintiff's Motion to Compel Production (RFPs 16–44), filed February 10, 2023
29. Letter from Airbnb's Counsel (Brown) to Judge Newman, filed May 15, 2023
30. Letter from Airbnb's Counsel (Harpoottlian) to Judge Newman, filed May 16, 2023
31. Airbnb's Motion to Reconsider and Stay Enforcement & Exhibit, filed June 5, 2023
32. Letter from Airbnb's Counsel to J. Jocelyn Newman, June 5, 2023
33. Plaintiff's Response in Opposition to Airbnb's Motion to Reconsider and Stay Enforcement & Exhibits, filed June 8, 2023

Plaintiff's Show Cause Motion

34. Plaintiff's Motion for Rule to Show Cause & Exhibits, filed June 8, 2023

35. Airbnb's Response in Opposition to Plaintiff's Motion for Rule to Show Cause, filed July 26, 2023
36. Plaintiff's Reply to Airbnb's Response in Opposition to Rule to Show Cause and Proposed Order, filed July 28, 2023

Other Motions and Memoranda

37. Riviere's Motion to Compel Arbitration, filed May 23, 2023
38. Riviere's Motion to Dismiss or Stay Case, filed May 26, 2023
39. Airbnb's Motion to Dismiss Complaint, filed August 3, 2021
40. Airbnb's Motion to Dismiss Amended Complaint, filed January 20, 2023
41. Riviere's Notice of Appeal, filed July 27, 2023
42. Airbnb's Notice of Appeal, filed September 15, 2023

Transcripts

43. Transcript of Hearing (Judge Jocelyn Newman), April 5, 2023
44. Transcript of Hearing (Judge Maddox), June 13, 2023

Other

45. Copy of the Docket from the Second Judicial Circuit Public Index
46. Stipulation of Dismissal of Riviere, December 20, 2022
47. Hindman Email to J. Newman, May 16, 2023
48. Taylor Ltr. Producing Documents (Without Enclosures), June 5, 2023
49. Email Chain with Charla Plouffe, Aiken County Court Administrator, June 8–9, 2023
50. Email Chain with Will Smith, Law Clerk to J. Maddox, July 11–27, 2023
51. Email and Proposed Rule to Show Cause Circulated by Plaintiff's Counsel (Few), July 24, 2023
52. Email and Proposed Rule to Show Cause Sent by Plaintiff's Counsel (Few) to J. Maddox, July 27, 2023

[Signature on following page.]

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/ C. Mitchell Brown

C. Mitchell Brown, South Carolina Bar 012872

E-Mail: mitch.brown@nelsonmullins.com

Blake T. Williams, SC Bar 100794

E-Mail: blake.williams@nelsonmullins.com

Matthew A. Abee, SC Bar No. 101100

E-Mail: matt.abee@nelsonmullins.com

1320 Main Street / 17th Floor

Post Office Box 11070 (29211-1070)

Columbia, SC 29201

(803) 799-2000

RICHARD A. HARPOOTLIAN, P.A.

Richard A. Harpootlian, SC Bar No. 2725

1410 Laurel Street (29201)

Post Office Box 1090

Columbia, South Carolina 29202

(803) 252-4848

rah@harpootlianlaw.com

BEATTIE B. ASHMORE, PA

Beattie B. Ashmore, SC Bar No. 10419

beattie@beattieashmore.com

650 East Washington Street

Greenville, SC 29601

PH: (865) 467-1001.

Attorneys for Airbnb, Inc.

Columbia, South Carolina
December 4, 2023