

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

The Honorable B. Alex Hyman, Circuit Court Judge

Case No. 2019-CP-40-06380

The Cincinnati Specialty Underwriters  
Insurance Company,

Appellant,

v.

Zapp Scooters Inc. d/b/a Zapp Ride  
Share, Frank Scozzafava, and Michael  
Holland,

Respondents.

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

Appellant proposes the following be included in the Record on Appeal:

1. Holland Complaint in Underlying Action
2. Affidavit of Service on Zapp Scooters in Underlying Action
3. Affidavit of Service on Frank Scozzafava in Underlying Action
4. Motion for Entry of Default in Underlying Action
5. Entry of Default in Underlying Action
6. Motion to Set Aside Default in Underlying Action
7. Order Denying Defendants' Motion to Set Aside Default in Underlying Action
8. Motion for Judgment by Default in Underlying Action
9. Order Granting Default Judgment in Underlying Action
10. Cincinnati Complaint and Exhibits
  - a. Exhibit A: Policy
  - b. Exhibit B: Photograph of Type of Vehicle Involved in Accident
  - c. Exhibit C: Doohan Itank User Manual

11. Cincinnati Amended Complaint and Exhibits
  - a. Exhibit A: Policy
  - b. Exhibit B: Photograph of Type of Vehicle Involved in Accident
  - c. Exhibit C: Doohan Itank User Manual
12. August 6, 2020 Order of Default on Zapp and Scozzafava
13. Cincinnati Motion for Summary Judgment
14. Cincinnati's Memorandum of Law in Support of its Motion for Summary Judgment and Exhibits
  - a. Exhibit A: Policy
  - b. Exhibit B: Underlying Complaint
  - c. Exhibit C: Order Granting Default Judgment
  - d. Exhibit D: Affidavit of Sheri Bugher
  - e. Exhibit E: Defendant Michael Holland's Answers to Requests to Admit
15. Holland's Memorandum of Law in Support of Cross Motion for Summary Judgment and in Opposition to Plaintiff's Motion for Summary Judgment and Exhibits
  - a. Exhibit 1: Default Judgment Order
  - b. Exhibit 2: Policy
  - c. Exhibit 3: Amended Complaint
  - d. Exhibit 4: Finkel Affidavit
  - e. Exhibit 5: Deposition of Gerald Finkel
  - f. Exhibit 6: Plaintiff's Memorandum in Support of Motion for Summary Judgment
  - g. Exhibit 7: Zapp User Agreement ZAPP 1917
  - h. Exhibit 8: ZAPP 172
  - i. Exhibit 9: CSUIC 000281-000282
  - j. Exhibit 10: Photos of Moped Plates
  - k. Exhibit 11: Wilks Affidavit
  - l. Exhibit 12: Collection of Incident Reports
  - m. Exhibit 13: Paturzo Affidavit
  - n. Exhibit 14: S.C. Code Ann. § 56-3-20(2) (Law. Co-op. 2017)
  - o. Exhibit 15: S.C. Code Ann. § 56-5-130 (Law. Co-op. 2017)
  - p. Exhibit 16: S.C. Code Ann. § 56-9-20(4) (Law. Co-op. 2017)
  - q. Exhibit 17: S.C. Code Ann. § 56-19-10(16) (Law. Co-op. 2017)
  - r. Exhibit 18: Zapp Rolls Out 100 Electric Scooters Around Downtown, COLUMBIA REGIONAL BUSINESS REPORT, <https://columbiabusinessreport.com/news/transportation /70313/>
  - s. Exhibit 19: Emails to/from Lorick and Willhelm (CSUIC000293 – CSUIC000295)
  - t. Exhibit 20: Livingston Website Screenshots
  - u. Exhibit 21: CSUIC000440
  - v. Exhibit 22: Subpoena duces tecum and green card signed by Jackie Lorick
  - w. Exhibit 23: Emails to/from Lorick and Willhelm and Livingston Log Entries (Zapp 3821-3827)
  - x. Exhibit 24: Emails to/from Gandy
16. Memorandum Supporting Cincinnati's Motion for Summary Judgment and in Opposition to Michael Holland's Motion for Summary Judgment and Exhibit

- a. Exhibit A: *Jack's Custom Cycles, Inc. v. S.C. Dep't of Revenue*, 439 S.C. 35, 885 S.E.2d 433 (Ct. App. 2023), reh'g denied (Apr. 26, 2023)
17. Holland's Response to Plaintiff's Supplemental Memorandum Supporting Motion for Summary Judgment and Exhibits
  - a. Exhibit 1: S.C. Rev. Ruling 04-13 (Aug. 25, 2004)
  - b. Exhibit 2: S.C. Information Letter #17-10 (June 27, 2017)
  - c. Exhibit 3: S.C. Rev. Ruling #18-1 (March 5, 2018)
  - d. Exhibit 4: The Cincinnati Insurance Companies website, "Homepage"
  - e. Exhibit 5: The Cincinnati Insurance Companies website, "Excess and Surplus"
  - f. Exhibit 6: The Cincinnati Insurance Companies website, "Subsidiaries"
  - g. Exhibit 7: Livingston Insurance Agency "Companies" website pages from The Wayback Machine
  - h. Exhibit 8: Livingston Insurance Agency website "Top 10 Commercial Carriers"
  - i. Exhibit 9: Livingston Insurance Agency website "Payments" pages from The Wayback Machine
18. Order Denying Cincinnati's Motion for Summary Judgment and granting Holland's Motion for Summary Judgment
19. Order Denying Cincinnati's Motion to Reconsider

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