

**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

**Appellate Case No. 2024-000136
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**

Respondent Michael Holland proposes the following to be included in the Record on Appeal:

1. 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 Entry of Default in Underlying Action
7. Order Denying Defendants’ Motion to Set Aside Entry of Default in Underlying Action
8. Motion for Judgment by Default in Underlying Action
9. Order Granting Default Judgment in Underlying Action
10. Declaratory Judgment 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. Holland's Answer to Declaratory Judgment Complaint
12. Amended Declaratory Judgment 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
13. Holland's Answer to Amended Declaratory Judgment Complaint
14. August 6, 2020, Order of Default on Zapp and Scozzafava
15. Cincinnati's September 9, 2021, Motion for Summary Judgment
16. Cincinnati's September 9, 2021, Memorandum in Support of 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
17. Holland's October 21, 2022, Motion for Summary Judgment
18. 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 of Law in Support of Motion for Summary Judgment
 - g. Exhibit 7 – Zapp User Agreement ZAPP 1917
 - h. Exhibit 8 – ZAPP 171
 - i. Exhibit 9 – CSUIC 000281 – 000282
 - j. Exhibit 10 – Photos of Moped
 - 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 Wilhelm (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

19. Cincinnati's 5/17/23 Memorandum Supporting Cincinnati's Motion for Summary Judgment and in Opposition to Michael Holland's Motion for Summary Judgment and Exhibits
 - 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)
20. Holland's 5/23/23 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
21. Order Denying Cincinnati's Motion for Summary Judgment and granting Holland's Motion for Summary Judgment
22. Cincinnati's 10/9/23 Motion to Reconsider
23. Holland's 10/23/2023 Response in Opposition to Cincinnati's Motion to Reconsider
24. Order Denying Cincinnati's Motion to Reconsider

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