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Jun 18 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Case No, 2012-CP-10-00580

Thomas H. Morgan .....Respondent,

v.

John L. Gilbert, Stuart L. Fred, Bella Vista Partnership, A Texas General Partnership, Bomasada Group, Inc., A Texas Corporation, Bomasada Investment Group II, LLC, A Texas Limited Liability Company, Lauralis Management, Inc., A Texas Corporation, and 150 Bee Street, LLC, A South Carolina Limited Liability Company, Defendants,

Of which John L. Gilbert, Stuart L. Fred, Bella Vista Partnership, A Texas General Partnership, Bomasada Group, Inc., A Texas Corporation, Bomasada Investment Group II, LLC, A Texas Limited Liability Company, and Lauralis Management, Inc., A Texas Corporation are the Appellants.

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

I certify that this designation contains no matter which is irrelevant to this appeal.

WOMBLE BOND DICKINSON (US) LLP  
/s/ Henry E. Grimball  
Henry E. Grimball, S.C. Bar No. 2313  
Morris A. Ellison, S.C. Bar No. 1881  
5 Exchange Street (29401)  
P.O. Box 999  
Charleston, SC 29402  
(843) 722-3400

Attorneys for Appellants  
[Except 150 Bee Street, LLC]

June 18, 2024

Appellants propose the following be included in the Record on Appeal

## INDEX

### ORDERS

1. Order of Judge Hughston 7/9/12
2. Order of Arbitration Chair Cooke 1/7/19
3. Order of Panel 7/11/22
4. Order of Judge Bentley Price 2/26/24

### JUDGMENTS

5. Panel Initial Award 4/10/23
6. Panel Final Award 6/19/23

### PLEADINGS

7. Morgan Miami Complaint 12/16/09
8. 2012 Original Complaint
9. Answer 2012
10. Draft First Amended Complaint 5/18/18
11. Filed First Amended Complaint 1/22/19
12. Notice of Appeal 3/4/24

### MOTIONS & MEMORANDA

13. Motion to Amend Complaint of Morgan 2/26/18
14. Memorandum Opposing Motion to Amend Complaint 6/5/18
15. Motion to Dismiss – Subject Matter Jurisdiction 2/19/19
16. Motion to Dismiss [SoL] 4/3/19
17. Motion for Reconsideration 4/18/23
18. Motion to Vacate or Modify Panel Final Award 6/30/23

### TRANSCRIPT

19. Transcript of Proceedings pp. 374; 520-22; 561-71; 574; 578-79; 584-87; 591-95; 657-58; 701; 722-23; 1427-28; 1433; 1444-45

### EXHIBITS

## A] DOCUMENTS

20. 150 Bee St. LLC Second Amended Operating Agreement
21. Tolling Agreement
22. Morgan Spreadsheet

## B] LETTERS & EMAILS

23. Morgan email 4/25/07
24. Baker email 4/25/07
25. Gilbert email 4/25/07
26. Fred email 2/25/07
27. Morgan email 4/26/07
28. Fred email 4/26/07
29. Morgan email #2 4/26/07
30. Morgan email 4/27/07
31. Hagerty letter 4/30/07
32. Goldman letter 5/15/07
33. DuMars letter 9/20/07
34. DuMars email 12/17/07
35. Gilbert email 5/2/08
36. Morgan email 5/4/08
37. Merg email 5/12/08
38. Gilbert email 7/3/08
39. Morgan email 7/6/08
40. Morgan email #2 7/6/08
41. Baker email 7/7/08
42. Morgan email 7/8/08
43. Merg letter 7/17/08
44. Shields email 7/28/08
  
45. Merg email 8/8/08
46. Shields email 8/8/08
47. Baker email 8/22/08
48. Morgan email 8/23/08
49. Gardenswartz letter 9/17/08
50. Berry email 4/9/10
51. Defs' emails 3/12/19

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**PROOF OF SERVICE**

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

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I do hereby certify that on June 18, 2024, a copy of the DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL was emailed to and also deposited with the United States Postal Service, as first class mail, in an envelope addressed to:

W. Andrew Gowder, Jr.  
AUSTEN & GOWDER, LLC  
1629 Meeting Street Rd., Suite A  
Charleston, SC 29405

Michael T. Rose  
MIKE ROSE LAW FIRM, PC  
406 Central Avenue  
Summerville, SC 29483I

WOMBLE BOND DICKINSON (US) LLP

/s/ Henry E. Grimball

Henry E. Grimball, S.C. Bar No. 2313

Morris A. Ellison, S.C. Bar No. 1881

5 Exchange Street (29401)

P.O. Box 999

Charleston, SC 29402

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