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**Aug 01 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

Brian M. Gibbons, Circuit Court Judge

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Case No. 2023-CP-32-02473  
Appellate Case No. 2024-000614

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Thomas E. Dukes,

Appellant,

v.

Rocket Mortgage, LLC

Respondent.

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DESIGNATION BY RESPONDENT OF  
MATTER TO BE INCLUDED IN THE  
RECORD ON APPEAL

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Respondent proposes that the following be included in the Record on Appeal:

1. Affidavit to Motion to Withdraw Motion for Reconsideration, filed by Plaintiff on April 18, 2024
2. Response in Opposition to Motion for Reconsideration filed by Rocket Mortgage, LLC on April 12, 2024
3. Motion for Reconsideration filed by Plaintiff on March 28, 2024
4. Order Dismissing Case with prejudice as it relates to Rocket Mortgage, LLC entered by the Honorable Brian M. Gibbons on March 18, 2024
5. Order/Electronic Form 4 entered by the Honorable Brian M. Gibbons on March 14, 2024 at 4:15 p.m.
6. Order of Conditional Dismissal entered by the Honorable Walton J. McLeod on January 26, 2024 at 5:01 p.m.
7. Reply in Support of Motion to Dismiss filed by Rocket Mortgage, LLC on January 18, 2024

8. Order to Stay Discovery entered by the Honorable Debra R. McCaslin on December 15, 2023
9. Paragraph “c” of the Letter/Response of Plaintiff to Motion to Dismiss filed by Plaintiff on December 14, 2023
10. Motion to Stay Discovery filed by Rocket Mortgage, LLC on December 8, 2023
11. Motion to Dismiss under Rule 12(b)(6) filed by Rocket Mortgage, LLC on November 27, 2024
12. Amended Complaint filed by Plaintiff on October 25, 2023
13. Order/Electronic Form 4 entered by the Honorable Debra R. McCaslin on October 17, 2024
14. Transcript of March 14, 2024 hearing

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

#### RESPONSE TO DESIGNATION OF MATTER TO BE INCLUDED FILED BY APPELLANT

Much of the matter designated by Appellant in his earlier filing are not relevant to this appeal, including:

- a. The transcript from motion hearing on October 16, 2023 (Paragraph 3) is not at issue in this appeal.
- b. The filing by Plaintiff on October 9, 2023 (Paragraphs 7 and 9) is not at issue in this appeal.
- c. The Affidavit of Eric Gibson (Paragraph 8) is not at issue in this appeal.
- d. The Affidavit of Brian Stiglbauer (Paragraph 10) is not at issue in this appeal.<sup>1</sup>
- e. With the exception of Paragraph “c,” none of the remaining content set forth or attached to the “Letter of evidence” filed by Plaintiff on December 14, 2023 (Paragraph 11) is/are at issue in this appeal.
- f. The related CFPB Complaint (Paragraph 12) is not at issue in this appeal.
- g. The Appellant withdrew his Motion to Reconsider in his filing on April 18, 2024 (Paragraph 13).

#### RESPONSE TO “RECORD ON APPEAL” PREMATURELY FILED BY APPELLANT

On July 26, 2024, Respondent received a document entitled “Record on Appeal” from Appellant. In addition to being premature under the applicable appellate Rule (the Record of Appeal is not filed until after the final Initial Brief), and similar to Appellant’s Designation of Matter to be Included, said “Record on Appeal” included copies of several documents that are not at issue in this appeal. The documents included in this most-recent filing by Appellant that are not at issue

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<sup>1</sup> Upon information and belief, Brian Stiglbauer is an employee of Palmetto State Insurance Agency, LLC, which is another Defendant sued by Appellant at the trial court.

in this appeal include:

1. Order by Honorable Debra McCaslin (Page 1)
2. Transcript of Motion Hearing, October 16, 2023 (under challenge) (Page 7)
3. Filing by Appellant's/Thomas E. Dukes on October 9, 2023 exposing perjury by Mr. Eric Gibson (Page 103)
4. Affidavit of Eric Gibson, pages 1-3, dated September 7, 2023 (Page 105)
5. Filing by Appellant's/Thomas E. Dukes on October 9, 2023 exposing perjury by Mr. Brian Stiglbauer (Page 108)
6. Affidavit of Brian Stiglbauer, dated August 4, 2023 (Page 110)
7. With the exception of Paragraph "c," none of the remaining content set forth or attached to the "Letter of evidence" filed by Plaintiff on December 14, 2023 (Page 112)
8. Respondent's response to CFPB Complaint (Page 116)

Johnson City, Tennessee  
August 1, 2024

/s/ Brent B. Young  
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