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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Jean Hoefler Toal, Circuit Court Judge

Appellate Case No. 2024-001550

Michael L. Perry and Lonnie L. Long, Respondents,

v.

American International Industries, Atlas Turner Inc., Avon Products, Inc., Barretts Minerals Inc., BlockDrug Company, Inc., Brenntag North America, Inc., Brenntag Specialties, LLC, Bristol-Myers Squibb Company, Buy-Low General Merchandise, Inc., C&S Wholesale Grocers, LLC, Calvin Klein Inc., Chanel Inc., Charles B. Chrystal Company, Inc., Chattem, Inc., Colgate-Palmolive Company, Color Techniques, Inc., Cosmetic Specialties, Inc., Coty Inc., CVS Health Corporation, CVS Pharmacy, Inc., EDC Drug Stores, Inc., Estee Lauder Inc., Estee Lauder International, Inc., The Estee Lauder Companies Inc., Food Lion, LLC, Genuine Parts Company, Glamour Industries Co., Himmel Management Co. LLC, Himmel Media LLC, Honeywell International, Inc., Idelle Labs, Ltd., IMI Fabi (Diana) LLC, IMI Fabi (USA) Inc., IMI Fabi, LLC, Janssen Pharmaceuticals, Inc., Johnson & Johnson, Johnson & Johnson Holdco (NA) Inc., Kenvue Inc.; L'Oreal USA, Inc., L'Oreal USA Products, Inc., LLT Management LLC, Long's Drugstores of South Carolina, Inc., LTL Management LLC, Minerals Technologies Inc., The Neslemur Company, Piggly Wiggly, LLC, Pneumo Abex LLC, Presperse Corporation, The Procter & Gamble Company, PTI Royston, LLC, PTI Union LLC, Ralph Lauren Corporation, Rite Aid of South Carolina, Inc., Shulton, Inc., Specialty Minerals Inc., Sumitomo Corporation of Americas, Union Carbide Corporation, Vi-Jon, LLC; Walgreen Co., Walmart Inc., Defendants,

Of which American International Industries is the Appellant.

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellant, A-I-I, proposes the following be included in the Record on Appeal:

Orders:

- (1) Final order on A-I-I's post-trial motions filed on December 11, 2024;
- (2) Order granting default against A-I-I filed on October 3, 2023;
- (3) Order denying A-I-I's motion to set aside default filed on November 2, 2023;
- (4) Order granting plaintiff's first motion to amend complaint filed on November 21, 2023;
- (5) Order granting plaintiff's second motion to amend complaint filed on February 1, 2024;
- (6) Order granting plaintiff's motion for protective order filed on May 29, 2024;

Pleadings:

- (1) Initial summons and complaint filed August 4, 2023;
- (2) Plaintiffs' notice and motion for default against A-I-I filed on September 26, 2023, with Ms. McVey's affidavit and Exhibit A (Affidavit of Service of A-I-I);
- (3) A-I-I's answer filed on September 29, 2023;
- (4) A-I-I motion to set aside default filed on October 10, 2023 with accompanying affidavits;
- (5) Plaintiffs' status report regarding A-I-I default filed on October 23, 2023;
- (6) A-I-I's amended motion to set aside default filed on October 24, 2024 with accompanying affidavits;
- (7) Plaintiffs' motion to amend summons and complaint filed on November 9, 2023;
- (8) Plaintiffs' first amended summons and complaint filed on November 30, 2023;
- (9) A-I-I's answer to Plaintiff's first amended complaint filed on December 8, 2023;
- (10) Plaintiffs' second motion to amend complaint filed on January 31, 2024;
- (11) Plaintiffs' second amended summons and complaint filed on February 1, 2024;
- (12) A-I-I's answer to plaintiff's second amended complaint filed on February 16, 2024;
- (13) A-I-I's motion for a protective order filed on April 24, 2024;
- (14) Plaintiff's motion for a protective order filed on May 9, 2024;
- (15) Plaintiff's motion for a protective order filed on May 22, 2024;
- (16) A-I-I's response to plaintiff's motion for protective order filed on May 24, 2024 excluding attached exhibits;
- (17) A-I-I's proffered motion for summary judgment filed on June 10, 2024 excluding exhibits;
- (18) A-I-I's petition for writ of certiorari filed on June 28, 2024;
- (19) Plaintiffs' response to A-I-I's petition for writ of certiorari filed on July 8, 2024;

- (20) A-I-I's reply to Plaintiffs' response to A-I-I's petition for writ of certiorari filed on July 17, 2024;
- (21) A-I-I's motion for stay pending ruling on cert petition filed on July 29, 2024;
- (22) A-I-I's motion for directed verdict filed on August 13, 2024, excluding attached exhibits;
- (23) A-I-I's Rule 50(b) and Rule 59(a), SCRPC motion filed on August 26, 2024 excluding attached exhibits;
- (24) A-I-I's Rule 60(b), SCRPC motion filed on August 26, 2024 excluding attached exhibits;
- (25) Plaintiffs' response to A-I-I's Rule 50(b) and Rule 59(a), SCRPC motion filed on September 13, 2024 excluding attached exhibits;
- (26) Plaintiffs' response to A-I-I's Rule 60(b), SCRPC motion filed on September 13, 2024 excluding attached exhibits;

Transcripts:

- (1) October 25, 2023 transcript pages: 1-21;
- (2) July 30, 2024 transcript pages: 1-5, 9-15, 240-242;
- (3) Trial transcript pages: 1-3, 5-9, 28-37, 151-246, 249-298, 304-306, 343-396, 401-446, 454-534, 544-620, 623-638, 648-650, 696-728, 732-744, 747-806, 814-886, 889-991, 999-1001, 1045-1126, 1134-1161, 1172-1288, 1290-1302, 1305-1350, 1372-1374, 1416-1481, 1485-1534, 1537-1589, 1597-1634, 1639-1690, 1702-1704, 1776, 1814-1820, 1827, 1833-1834, 1849-1851, 1877-2029, 2038-2103, 2119-2121, 2177-2181, 2185-2192, 2205-2211, 2257-2283, 2290.
- (4) September 24 – 25, 2024 transcript pages: 1-3, 131-148, 159-198.

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



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This 28th day of March 2025.