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Apr 28 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Jean H. Toal, Circuit Court Judge

Appellate Case No. 2024-001550
Civil Action No. 2023-CP-40-04072

Michael L. Perry and Lonnie 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 Neslemer 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 Industrial Industries is the Appellant.

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

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Attorneys for Respondents

Pursuant to Rule 209 of the South Carolina Appellate Court Rules (SCACR), Respondents Michael L. Perry and Lonnie Long designate the following additional material for inclusion in the record on appeal:

PLEADINGS

1. Plaintiffs' Summons and Complaint, Aug. 4, 2023
2. Plaintiffs' Motion for Default Judgment as to American International Industries, with attached Ex. A, Affidavit of Service, Sept. 26, 2023
3. American International Industries' Answer and Affirmative Defenses to Complaint, Sept. 29, 2023
4. Order Granting Default Against American International Industries, Oct. 3, 2023
5. American International Industries' Motion to Set Aside Entry of Default Before Default Judgment Hearing, Oct. 10, 2023
6. Status Report Regard AII/Clubman Default, Oct. 23, 2023
7. Defendant American International Industries' Amended Motion to Set Aside Entry of Defendant Before Default Judgment Hearing, with attached Ex. 1, Affidavit of Brian Dror, Ex. 2, Affidavit of Charles Loveless and Ex. 3, Affidavit of Julia Gowin, Oct. 24, 2023
8. Order Denying American International Industries/Clubman's Motion to Lift Default, Nov. 2, 2023
9. Motion for Leave to Amend Summons and Complaint, Nov. 9, 2023
10. Order on Motion for Leave to Amend Summons and Complaint, Nov. 21, 2023
11. Plaintiffs' First Amended Complaint, Nov. 30, 2023
12. American International Industries' Answer and Affirmative Defenses to First Amended Complaint, Dec. 8, 2023
13. Motion for Leave to Amend Summons and Complaint, Jan. 31, 2024
14. Order/Leave to Amend Summons and Complaint, Feb. 1, 2024

15. Plaintiffs' Second Amended Complaint, Feb. 1, 2024
16. American International Industries' Answer and Affirmative Defenses to Second Amended Complaint, Feb. 16, 2024
17. Plaintiffs' Motion for Protective Order and to Quash American International Industries' Subpoena for Employee Records, May 9, 2024
18. Plaintiffs' Motion for Protective Order from American International Industries' Expert Discovery, May 22, 2024
19. American International Industries' Response in Opposition to Plaintiffs' Motion for Protective Order, May 24, 2024
20. Order Granting Plaintiffs' Motion for Protective Order from American International Industries' Expert Discovery, May 29, 2024
21. American International Industries' Petition for Writ of Certiorari, June 28, 2024
22. Order Denying Petition for Writ of Certiorari, August 13, 2024
23. Verdict Form, Aug. 19, 2024
24. Defendant American International Industries' Motion to Vacate and/or Set Aside Default Judgment, with attached Ex. 2, Affidavit of Charles Loveless, Aug. 26, 2024
25. Defendant American International Industries' Post-Trial Motions: Judgment Notwithstanding the Verdict, New Trial Absolute and/or New Trial *Nisi Remittitur*, Aug. 26, 2024
26. Plaintiffs' Response to Defendant American International Industries' Motion to Vacate and/or Set Aside Default Judgment, with attached Ex. A, Emails Exchanges and Ex. C, Trial Subpoena delivered July 26, 2024, Sept. 13, 2024
27. Order on Defendant American International Industries' Post-Trial Motions, Dec. 11, 2024
28. Declaration of Dr. Steven E. Haber, M.D., F.A.C.P., F.C.C.P., *Chapman v. Avon Products, Inc.*, Aug. 26, 2022, attached as Ex. 124 to Plaintiffs' Master Exhibits in Support of their Responses to Motions for Summary Judgment
29. Memorandum from Lisa Bithell Kirk, Sr. Geochemist to Darin Lindsey and John Parks of Barretts Minerals, Oct. 25, 2000, attached as Ex. 159 to

Plaintiffs' Master Exhibits in Support of their Responses to Motions for Summary Judgment

30. Mark W. Rigler, Ph.D., Report re Jennifer Chamberlain, Mar. 1, 2023, attached as Ex. 238 to Plaintiffs' Master Exhibits in Support of their Responses to Motions for Summary Judgment
31. Anderson "Petrogenesis and Timing of Talc Formation in the Ruby Range, Southwestern Montana," Econ. Geol. Vol. 85, 585-600, 588 (1990), attached as Ex. 156 to Plaintiffs' Master Exhibits in Support of their Responses to Motions for Summary Judgment
32. James, "Precambrian Geology and Bedded Iron Deposits of Southwestern Ruby Range, Montana," USGS 1495, attached as Ex. 157 to Plaintiffs' Master Exhibits in Support of their Responses to Motions for Summary Judgment

TRANSCRIPTS

33. 02/24/23, Trial Testimony of Dr. William Longo, *Plant v. Avon Products, Inc.*, with attached Ex. 3804, attached as Ex. 194 to Plaintiffs' Master Exhibits in Support of their Responses to Motions for Summary Judgment
34. 10/10/2023, Deposition of Michael Perry, pp. 17, 39-43, 46-47, 93-94, attached as Ex. 1 to the Master Exhibits in support of Plaintiffs' Responses to Defendants' Motions for Summary Judgment
35. 10/25/23, Hearing Transcript on Motion to Set Aside Default Judgment, p. 12
36. 7/30/24, Pre-Trial Hearing Transcript, pp. 240-241
37. 8/5/2024, Trial Transcript, pp. 156-157
38. 8/6/2024, Trial Transcript, pp. 458-459, 463
39. 8/7/2024 Trial Transcript, pp. 731-734, 1612-1634
40. 8/12/2024, Trial Transcript, pp. 1612-1634, 1664
41. 8/14/2024 Trial Transcript, pp. 1964-1966, 2071, 2092

I certify that this Designation does not contain any matters which are irrelevant to this appeal.

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Columbia, South Carolina