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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 H. Toal, Circuit Court Judge

Appellate Case No. 2024-001997
Civil Action No. 2022-CP-40-01265

Sarah J. Plant and Parker Plant,Respondents,

v.

Avon Products, Inc.; Amaco, LLC; American Art Clay Co. Inc.;
The Bargain Barn, LLC; Beacon CMP Corporation; Belk, Inc.;
Block Drug Company, Inc.; Brenntag North America, Inc.;
Brenntag Specialties, LLC; Bristol-Myers Squibb Company;
Chattem, Inc.; Colgate-Palmolive Company; Color Techniques,
Inc.; Conopco, Inc.; Coty Inc.; Dana Classic Fragrances, Inc.;
Dillard's, Inc.; Dollar General Corporation; Elizabeth Arden, Inc.;
Estee Lauder Inc.; Estee Lauder International, Inc.; The Estee
Lauder Companies Inc.; Hamrick's Incorporated; Highwater Clays,
Inc.; Houbigant, Inc.; IMI Fabi (Diana) LLC; IMI Fabi (USA) Inc.;
IMI Fabi, LLC; Ingles Markets, Incorporated; L'Oreal USA, Inc.;
L'Oreal USA Products, Inc.; Lowcountry Grocers LLC; Martin
Himmel Inc.; May Kay Inc.; Maybelline LLC; Noxell Corporation;
Pfizer Inc.; R.T. Vanderbilt Holding Company, Inc.; Revlon
Consumer Products Corporation; Revlon, Inc.; Rite Aid of South
Carolina, Inc.; Southeastern Grocers, Inc.; Topco Associates, LLC;
Vanderbilt Minerals, LLC; Variety Wholesalers, Inc.; Variety
Wholesalers, Inc.; Vi-Jon, LLC; Walgreen Co.; Walmart, Inc.;
Whittaker, Clark & Daniels, Inc.; Winn-Dixie Stores, Inc.; Yves
Saint Laurent America, Inc.Defendants,

Of which IMI Fabi (Diana) LLC; IMI Fabi (USA) Inc.; and
IMI Fabi, LLC are theAppellants.

**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 Sarah J. Plant and Parker Plant designate the following additional material for inclusion in the record on appeal:

PLEADINGS

1. Plaintiffs' Complaint, March 10, 2022
2. Plaintiffs' First Amended Complaint, April 11, 2022
3. Defendant IMI Fabi, LLC's Memorandum in Support of Its Motion to Dismiss for Lack of Personal Jurisdiction and Motion for Protective Order to Stay Discovery as to IMI Fabi, LLC, with Exhibit A, July 13, 2022
4. Plaintiffs' Consolidated Responses in Opposition to Defendant IMI Fabi, LLC's and IMI Fabi (Diana) LLC's Motions to Dismiss for Lack of Personal Jurisdiction, with Exhibits 2, 3, 5 and 6, February 18, 2023
5. Plaintiffs' Trial Exhibit List, February 20, 2023
6. Jury Charges, March 6, 2023
7. Verdict Form, March 7, 2023
8. Defendant Whittaker Clark & Daniels, Inc.'s Motion for New Trial Absolute and Memorandum in Support, March 13, 2023
9. Defendant Whittaker Clark & Daniels, Inc.'s Motion for Judgment Notwithstanding the Verdict, March 13, 2023
10. Notice of Suggestion of Bankruptcy for Brilliant National Services, Inc., L.A. Terminals, Inc., Soco West, Inc., and Whittaker, Clark & Daniels, Inc.'s and Notice of Automatic Stay of Proceedings, April 26, 2023
11. Plaintiffs' Motion for Relief from Judgment Under SCRCF 60(b) and Motion for New Trial, with Exhibits 7-14, 19, 21 and 22, March 1, 2024,
12. Plaintiffs' Supplemental Motion for Relief from Judgment Under SCRCF 60(b) and Motion for New Trial, with Exhibits 1, 2, 4, 8, 9, 11, 12, 15-17, 19, and 21 July 22, 2024

13. Defendants' Supplemental Opposition to Motion for Relief from Judgment Under SCRCF 60(b) and Motion for New Trial, with Exhibits A, B and H, July 29, 2024
14. Proposed Order on Plaintiffs' Motion for Relief from Judgment Under SCRCF 60(b) and Motion for New Trial, with Exhibits 6-8, 11, 17, September 6, 2024
15. Amended Order Granting Plaintiffs' Motion for Relief from Judgment Under SCRCF 60(b) and Motion for New Trial, October 28, 2024

TRANSCRIPTS

16. 02/23/23, Trial Transcript, pp. 103-110, 285, 286-289
17. 02/24/23, Trial Transcript, pp. 377-379, 399-401, 431, 469-470, 477-478, 488-489, 514, 628
18. 02/27/23, Trial Transcript, pp. 700, 725, 730, 744-745, 950-952, 963-964
19. 02/28/23, Trial Transcript, pp. 1126, 1170, 1172, 1173:5-8, 1180-1181, 1185-1187, 1191-1192, 1194-1195, 1202-1203, 1224, 1250, 1253-1255, 1264-1265, 1267, 1272, 1280, 1283-1284, 1287-1288, 1295
20. 03/02/23, Trial Transcript, pp. 1550-1552, 1559-1562, 1623-1625, 1833-1834
21. 03/03/23, Trial Transcript, pp. 1894-1895, 1909, 1911-1912, 1914, 1919-1920, 1923, 1926, 1972, 1991, 1993, 1996-1997, 2010, 2016, 2020, 2023-2024, 2026, 2027
22. 04/26/24, Hearing Transcript on Plaintiffs' Motion for Relief from Judgment Under SCRCF 60(b) and Motion for New Trial, pp. 4, 30, 39-40, 62-63, 70-71
23. 06/26/24, Hearing Transcript on Plaintiffs' Motion for Relief from Judgment Under SCRCF 60(b) and Motion for New Trial, pp. 8, 10, 34, 37-38, 47, 49, 73
24. 08/21/24, Hearing Transcript on Plaintiffs' Motion for Relief from Judgment Under SCRCF 60(b) and Motion for New Trial, pp. 8, 32-35, 45, 53, 55-56, 61, 64-66, 85, 106, 119, 124, 126, 134

TRIAL EXHIBITS

- 25. Trial Exhibit 60
- 26. Trial Exhibit 70
- 27. Trial Exhibit 71
- 28. Trial Exhibit 3804

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

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June 4, 2025

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