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Jun 09 2025

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Anderson County
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No. 2021-CP-04-01349
Appellate Case No. 2024-002150

Poly-Med, Inc., Technology Drive 51, LLC,
Technology Drive 52, LLC, PMI Properties, LLC,

Respondents/Appellants,

v.

Research Park, LLC,

Appellant/Respondent.

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

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PMI Properties, LLC*

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Technology Drive 52, LLC, and
PMI Properties, LLC*

Respondents/Appellants, Poly-Med, Inc., Technology Drive 51, LLC, Technology Drive 52, LLC, and PMI Properties, LLC, propose the following to be included in the Record on Appeal, with any duplicative matter therein to appear in the record but once (i.e., avoiding any unnecessary redundancy):

Orders, Judgments, Decrees, or Decisions

1. Order filed 1/24/22;
2. Order filed 3/28/23;
3. Order filed 7/18/23;
4. Order filed 11/6/23;
5. Memorandum and Order for Judgment filed 2/29/24;
6. Form 4 Judgment filed 2/29/24;
7. Order filed 7/26/24;
8. Order filed 7/29/24;
9. Order filed 8/27/24;
10. Order filed 9/26/24;
11. Order filed 11/19/24;
12. Order filed 12/9/24;
13. Order filed 12/17/24;
14. Final Judgment filed 12/20/24;

Pleadings

15. Summons and Complaint, filed July 14, 2021, with Exhibit;
16. Answer & Counterclaim filed February 8, 2022;
17. Plaintiffs' Reply to Defendant's Counterclaim, filed March 8, 2022;

18. Amended Complaint, filed October 13, 2023, with Exhibit;
19. Defendant's Answer to Amended Complaint & Counterclaim, filed October 27, 2023;
20. Plaintiffs' Reply to Defendant's Amended Counterclaim, filed October 31, 2023;

Transcripts

21. Transcript of Hearing on 6/15/23;
22. Trial Transcript, 10/10/23 – 10/11/23;
23. Transcript of Hearing on 7/24/24;

Other Material

Motions, Memoranda, and Other Filed Documents

24. Defendant's Motion to Dismiss filed September 3, 2021;
25. Plaintiffs' Memorandum in Opposition to Defendant's Motion to Dismiss, filed October 19, 2021;
26. Motion for Summary Judgment on behalf of Plaintiffs, filed March 6, 2023;
27. Memorandum in Support of Motion for Summary Judgment on behalf of Plaintiffs, filed March 6, 2023, with Exhibits;
28. Defendant's Memorandum in Opposition to Plaintiffs' Motion for Summary Judgment, as well as Defendant's Cross-Motion for Partial Summary Judgment, filed May 12, 2023, with Exhibits;
29. Plaintiffs' Motion for Summary Judgment on Defendant's Counterclaims, filed May 3, 2023, with Exhibits;
30. Plaintiffs' Memorandum in Opposition to Defendant's Cross-Motion for Partial Summary Judgment, filed June 2, 2023;
31. Defendant's Consolidated Motion pursuant to Rules 52, 54, & 59, SCRCp;
32. Defendant's Supplemental Brief regarding Removal of Plaintiffs' Trailers, filed November 16, 2023;
33. Plaintiffs' Motion to Alter and Amend Order and Issue Formal Order, Filed November 16, 2023, with Exhibit;

34. Plaintiffs' Brief regarding Removal of Trailers and Motion for Reconsideration, filed November 22, 2023, with Exhibit;
35. Defendant's Memorandum in Response to Plaintiffs' Brief regarding a "Reasonable Amount of Time" to Remove their Non-Compliant Trailers, filed November 27, 2023;
36. Plaintiffs' Memorandum in Opposition to Defendant's Motion to Strike Affidavit of David Shalaby and Reply in Support of Brief regarding Removal of Trailers, filed November 30, 2023, with Exhibit;
37. Plaintiffs' Motion for Attorney's Fees and Expenses, filed March 8, 2024, with Exhibits;
38. Defendant's Second Motion Pursuant to Rules 52 & 59, SCRPC, filed March 8, 2024;
39. Defendant's Memorandum in Opposition to Plaintiffs' Request for an Award of Attorneys' Fees, filed April 15, 2024;
40. Plaintiffs' Memorandum in Opposition to Defendant's Consolidated Motion Pursuant to Rules 52, 54 & 59, SCRPC & Defendant's Second Motion Pursuant to Rules 52 & 59, filed April 15, 2024;
41. Plaintiffs' Supplemental Memorandum regarding Requests for Attorneys' Fees, filed August 7, 2024, with Exhibits;
42. Plaintiffs' Memorandum Regarding Removal of Office Trailers, Filed August 7, 2024;
43. Plaintiffs' Supplemental Memorandum on their Conversion Claim, filed August 8, 2024;
44. Defendant's Memorandum regarding Conversion, filed August 26, 2024;
45. Defendant's Memorandum regarding Attorneys' Fees, filed August 26, 2024;
46. Defendant's Memorandum regarding the Removal of Plaintiffs' Trailers, filed August 26, 2024;
47. Defendant's Supplemental Memorandum regarding Attorneys' Fees, filed September 9, 2024;
48. Plaintiffs' Reply Brief in support of Plaintiffs' Motion for Attorney's Fees and Expenses, filed September 12, 2024;

49. Plaintiffs' Motion for Reconsideration of Order on Outstanding Motions regarding Conversion & Injunctive Relief, filed October 7, 2024;
50. Defendant's Notice of Appeal, omitting orders, with proof of service, filed December 19, 2024;
51. Defendant's Amended Notice of appeal, omitting orders, with proof of service, filed December 23, 2024;
52. Plaintiffs' Notice of Cross Appeal, omitting orders, with proof of service, filed December 27, 2024;

Trial Exhibits

53. Plaintiffs' Trial Ex. 1 [Deed from Innovate to Def.];
54. Plaintiffs' Trial Ex. 2 [Quit Claim Deed from SCRA to Defendant];
55. Plaintiffs' Trial Ex. 3 [Lot 1A Plan];
56. Plaintiffs' Trial Ex. 4 [Defendant's Mortgage];
57. Plaintiffs' Trial Ex. 5 [Covenants];
58. Plaintiffs' Trial Ex. 6 [Borrower's Statement];
59. Plaintiffs' Trial Ex. 7 [Innovate Income and Expense Proration Estimates for Settlement];
60. Plaintiffs' Trial Ex. 8 [Bank Statement of 11/30/18];
61. Plaintiffs' Trial Ex. 9 [Bank Statement of 5/29/20];
62. Plaintiffs' Trial Ex. 10 [Bank Statement of 5/31/22];
63. Plaintiffs' Trial Ex. 11 [Southern First Bank Statements];
64. Plaintiffs' Trial Ex. 12 [Deed from Defendant to PMI Properties];
65. Plaintiffs' Trial Ex. 13 [Defendants' Invoices to Poly-Med];
66. Plaintiffs' Trial Ex. 14 [Poly-Med Payments];
67. Plaintiffs' Trial Ex. 15 [Affidavit of Tamara S. Hannon, CPA];
68. Plaintiffs' Trial Ex. 16 [Deed from PMI Properties to Poly-Med];

69. Plaintiffs' Trial Ex. 17 [PMI Settlement Statement];
70. Plaintiffs' Trial Ex. 18 [Shalaby email to Wagner of 4/30/20];
71. Plaintiffs' Trial Ex. 19 [Nicolai letter to Wagner of 5/26/20];
72. Plaintiffs' Trial Ex. 20 [Patterson letter to Nicolai of 8/7/20];
73. Plaintiffs' Trial Ex. 21 [Nicolai letter to Patterson of 8/28/20];
74. Plaintiffs' Trial Ex. 22 [1/14/21 letter from Patterson];
75. Plaintiffs' Trial Ex. 23 [Entities RP Marketed To];
76. Plaintiffs' Trial Ex. 24 [Ellis's Email dated 6/14/17 to Nelson];
77. Plaintiffs' Trial Ex. 25 [Email Chain Between Ellis and Nelson dated 6/14/17];
78. Plaintiffs' Trial Ex. 26 [Email Chain Between Shalaby and Nelson dated 6/27/17];
79. Plaintiffs' Trial Ex. 27 [10/25/17 Email from Ellis];
80. Plaintiffs' Trial Ex. 28 [Secretary of State Record];
81. Plaintiffs' Trial Ex. 29 [Research Park Mortgage]; and
82. Plaintiffs' Trial Ex. 30 [Damages Calculation];

Other Documents

83. Email dated 9/12/24 at 2:12 PM from Defendant's Counsel to Law Clerk with Defendant's Proposed Formal Order & Plaintiffs' Proposed Formal Order;
84. Defendant's Proposed Formal Order submitted 9/12/24; and
85. Reply Email dated 9/12/24 at 3:26 PM from Plaintiffs' Counsel to Law Clerk Objecting to Defendant's Proposed Formal Order.

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

Respectfully submitted,

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Charleston, South Carolina

June 7, 2025

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Appeal from Anderson County
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R. Lawton McIntosh, Circuit Court Judge

Case No. 2021-CP-04-01349
Appellate Case No. 2024-001404

Poly-Med, Inc., Technology Drive 51, LLC,
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v.

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Appellant/Respondent.

PROOF OF SERVICE

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I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Respondents/Appellants, hereby certify that the **RESPONDENTS/APPELLANTS' AMENDED DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** was served on Appellant/Respondent on June 7, 2025, by emailing (see attached email) a copy of the same to Appellant/Respondent's counsel of record—and that it was likewise served on Respondents/Appellants' own additional counsel:

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Charleston, South Carolina

June 7, 2025

Hines, Russell

From: Hines, Russell
Sent: Saturday, June 7, 2025 9:27 PM
To: Steven Edward Buckingham; Kirk Moorhead
Cc: Brown, Stephen L.; Bill Coates; Ross B. Plyler; Marwan S. Zubi; Justman, Aimee; Bell, Pollyana (Polly)
Subject: Poly-Med v. Research Park (2021-CP-04-01349) -- Respondents/Appellants' Amended Designation of Matter
Attachments: Poly-Med v. Research Park (2021-CP-04-01349) -- Respondents-Appellants' Amended Designation of Matter.pdf

Attached for service in the above-referenced matter please find **Respondents/Appellants' Amended Designation of Matter to be Included in the Record on Appeal.**

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