

**RECEIVED**

**Jun 12 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Jessica A. Salvini, Circuit Court Judge

---

Appellate Case No. 2024-002063

---

Jon Kane,

Appellant,

v.

Darien Applegate; Darien E. Applegate Trust;  
Darien E. Applegate, Successor in Partnership;  
Big Blue Allure, LLC; Allure Outdoor, LLC;  
Allure Advertising, LLC; Lamar OCI South Corp.;  
Lamar Advertising,

Defendants

of which Darien Applegate, individually,  
and as Trustee of the Darien E. Applegate Trust,  
and as Successor in Partnership; Big Blue Allure, LLC;  
and Allure Outdoor, LLC are the Respondents.

---

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

---

Pursuant to Rule 209, SCACR, Respondents Darien Applegate, individually and as Trustee of the Darien E. Applegate Trust, Big Blue Allure, LLC, and Allure Outdoor, LLC propose the following be included in the Record on Appeal:

1. Order of Dismissal date October 1, 2024
2. Initial Order Regarding Motion to Reconsider dated October 18, 2024
3. Final Order Regarding Motion to Reconsider dated November 4, 2024
4. Summons and Complaint filed June 22, 2023, including all exhibits
5. Defendants' Motion to Dismiss in Lieu of Answer filed October 18, 2023
6. Defendants' Memorandum in Support of Motion in Lieu of Answer filed August 28, 2024
7. Plaintiff's Memorandum in Opposition to Defendants' Motion to Dismiss in Lieu of Answer filed August 30, 2024

8. Plaintiff's Motion to Reconsider filed October 10, 2024
9. Defendants' Memorandum in Opposition to Motion to Reconsider, filed October 29, 2024
10. Transcript of Hearing on Defendants' Motion to Dismiss held September 4, 2024
11. Plaintiff's December 3, 2024 Notice of Appeal

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

Respectfully submitted,

Dated: June 12, 2025  
Charlotte, North Carolina

By: /s/ Jennifer M. Houti  
Jennifer M. Houti (S.C. Bar No. 102055)  
James, McElroy & Diehl, P.A.  
525 N. Tryon Street, Suite 700  
Charlotte, NC 28202  
Telephone: (704) 372-9870  
Email: [jhouti@jmdlaw.com](mailto:jhouti@jmdlaw.com)  
*Attorney for Respondents*

**RECEIVED**

**Jun 12 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Jessica A. Salvini

---

Appellate Case No. 2024-002063

---

Jon Kane,

Appellant,

v.

Darien Applegate; Darien E. Applegate Trust;  
Darien E. Applegate, Successor in Partnership;  
Big Blue Allure, LLC; Allure Outdoor, LLC;  
Allure Advertising, LLC; Lamar OCI South Corp.;  
Lamar Advertising,

Defendants

of which Darien Applegate, individually,  
and as Trustee of the Darien E. Applegate Trust,  
and as Successor in Partnership; Big Blue Allure, LLC;  
and Allure Outdoor, LLC are the Respondents.

---

**PROOF OF SERVICE**

---

I certify that I have this day served Respondents' Designation of Matter to Be Included in the Record on Appeal on counsel for Appellant Jon Kane addressed to his attorneys of record at their AIS-designated email addresses as follows: Jesse Sanchez, The Law Office of Jesse Sanchez, LLC, [jesse@jessesanchezlaw.com](mailto:jesse@jessesanchezlaw.com); Matthew Z. Kelly, Oyster Road Law Firm, LLC, [MKelly@OysterRd.com](mailto:MKelly@OysterRd.com); Daniel S. Slotchiver, Slotchiver & Slotchiver, L.L.P., [Dan@SlotchiverLaw.com](mailto:Dan@SlotchiverLaw.com).

Dated: June 12,, 2025  
Charlotte, North Carolina

By: /s/ Jennifer M. Houti  
Jennifer M. Houti  
S.C. Bar No. 102055  
James, McElroy & Diehl, P.A.  
525 N. Tryon Street, Suite 700  
Charlotte, NC 28202  
Telephone: (704) 372-9870  
Facsimile: (704) 333-5508  
Email: [jhouti@jmdlw.com](mailto:jhouti@jmdlw.com)  
*Attorney for Respondents*