

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM HORRY COUNTY  
Court of Common Pleas  
Benjamin H. Culbertson, Jr., Circuit Court Judge

---

Case No.: 2009-CP-26-0043

---

RECEIVED

OCT 14 2013

SC Court of Appeals

Timothy A. Zinn, Robert Adams, Laura Arrington,  
Stephen C. Black, Bradley Kirk Bray, Mark D'Amico,  
Thomas A. DeVitis, Rodney Eddie Haynes, Jimmy  
Kelly, Whitney Renee Knox, Lynn C. Lanpher, Holly  
Levasseur, John Martin Loughlin, Joe Maranville,  
Khalif Middleton, Chelcie Oxentine, Judith A. Parker,  
Matthew W. Reed, Cynthia G. Reilly, Gerald Ryba,  
Sherry Singleton, Steven G. Thoni, Stratton Vitikos,  
Michael H. Willis, and Michael J. Zanardo.....Respondents/Appellants,

v.

CFI Sales & Marketing, Ltd., d/b/a Westgate Resorts.....Appellant/Respondent.

---

DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL

---

Appellant proposes the following be included in the Record on Appeal:

1. Order of Hon. Benjamin H. Culbertson dated July 19, 2012;
2. Plaintiffs' Notice of Motion and Motion and Memorandum in Support for New Trial for Declaratory Judgment as to contract being in violation of the Payment of Wages Act, for treble damages and attorneys' fees dated February 27, 2012;
3. Summons and Complaint dated December 15, 2008;
4. Answer dated May 4, 2009;
5. Supplemental Answer dated December 22, 2011;
5. Transcript of Proceedings p. 23 - 34; 37 - 45; 75 - 89; 97 - 102; 106 - 121; 126 - 128; 130 - 140; 148 - 203; 217 - 254; 256 - 286; 297 - 348; 351 - 411; 414 - 471; 474 - 536; 557 - 584; 594 - 629; 632 - 633; 635 - 641; 643 - 645; 664 - 665; 675 - 705; 717 - 720;

Fax (843) 449-4249  
mbcounsel@frontier.com

Gene M. Connell, Jr., Bar No. 1358  
The Courtyard, Suite 209  
1500 U.S. Hwy. 17 N.  
P.O. Drawer 14547  
Surfside Beach, S.C. 29587  
(843) 238-5648 (phone)  
(843) 238-5050 (facsimile)  
gconnell@classactlaw.net  
Attorneys for Respondents/Appellants

**David J. Canty, P.A.**

**Attorney at Law**

**4612 Oleander Drive**

**Myrtle Beach, S.C. 29577**

Telephone (843) 449-6304

Fax (843) 449-4249

Email: [mbcounsel@frontier.com](mailto:mbcounsel@frontier.com)

October 11, 2013

CEIV  
OCT 14 2013  
S. COURT OF APPEALS

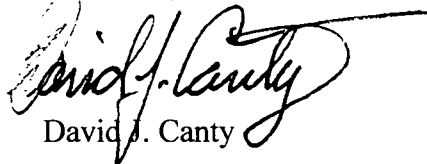
**Hon. Jenny Abbott Kitchings  
P.O. Box 11629  
Columbia, S.C. 29211**

Re: Timothy A. Zinn, et al. v. CFI Sales & Marketing, Ltd., d/b/a Westgate  
Resorts  
Appellate Case No.: 2012-213193

Dear Madam Clerk,

Enclosed please find our Initial Respondent's Brief of Respondents/Appellants and Designation of Matter to be included in the Record on Appeal in this matter, together with proof of service upon opposing counsel.

Thanking You and With Best Wishes,  
Yours Very Truly,

  
David J. Canty

encl.: stated

cc: clt.

Gene M. Connell, Jr. Esq.

R. Hawthorne Barrett, Esq.

John S. Wilkerson, III, Esq.