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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Perry H. Gravely, Circuit Court Judge

Appellate Case No. 2025-000364

Richard A. Gorman Respondent,

v.

John C. Monarch Appellant.

**APPELLANT’S INITIAL DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

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**APPELLANT’S INITIAL DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

I. ORDERS / JUDGMENTS / DECISIONS

1. Order Dated Dec. 1, 2015, by which the Trial Court Granted Respondent’s Motion for Stay
2. Order Dated Aug. 16, 2016, by which the Trial Court Granted Respondent’s Motion to Lift Stay
3. Order Dated Jan. 2, 2018, by which the Trial Court Resolved Default
4. Order Dated Mar. 28, 2018, by which the Trial Court Denied Appellant’s Motion for Temporary Injunction
5. Order Dated Aug. 28, 2018, by which the Trial Court Resolved Default
6. Order Dated July 15, 2019, by which the Court of Appeals Granted Respondent’s Motion to Withdraw His Interlocutory Appeal
7. Order Dated Sept. 23, 2019, by which the Trial Court Resolved Default
8. Consent Order Dated Aug. 21, 2020, Resolving Motions to Compel
9. Consent Order Dated Oct. 26, 2020, by which the Trial Court Granted Respondent’s Motion to Strike the Case from the Active Docket Pursuant to Rule 40(j)
10. Order Dated Jan. 6, 2021, by which the Trial Court Declined to Hear Respondent’s Motion for Sanctions
11. Consent Order Dated July 15, 2021, by which the Trial Court Restored the Case to the Active Docket
12. Order Dated Sept. 15, 2021, by which the Trial Court Continued Respondent’s Motion for Sanctions
13. Order Dated Sept. 15, 2021, by which the Trial Court Addressed Respondent’s Motion to Compel
14. Order Dated Mar. 28, 2022, by which the Trial Court Granted Respondent’s Motion to Compel
15. Order Dated Apr. 27, 2022, by which the Trial Court Granted Respondent’s Motion to Compel
16. Order Dated May 24, 2022, by which the Court of Appeals Dismissed Appellant’s Appeal
17. Order Dated Dec. 5, 2022, by which the Trial Court Took Appellant’s & Respondent’s Motions under Advisement
18. Order Dated Jan. 12, 2023, by which the Trial Court Denied Appellant’s Motion to Reconsider
19. Order Dated Apr. 28, 2023, by which the Trial Court Imposed Conditional Sanctions on Appellant
20. Order Dated Jan. 18, 2024, by which the Trial Court Denied Respondent’s Motion for Sanctions
21. Order Dated Apr. 22, 2024 by which the Trial Court Grant Respondent’s

- Motion to Allow Data Access between the Neutral Expert and Respondent's Expert
22. Order Dated Aug. 12, 2024, by which the Trial Court Granted Appellant's Motion to Supply Electronic Data from Respondent's Expert to Appellant's Expert
 23. Order Dated Feb. 26, 2025, by which the Trial Court Imposed Discovery Sanctions on Appellant, Striking His Answer & Counterclaim

II. PLEADINGS

1. Respondent's Initial Complaint, Aug. 8, 2014 *w/ Attachments A-C*
 - i. *Exhibit A: Posts from performoutsider.com*
 - ii. *Exhibit B: Depictions of PerformOutsider's Twitter Page*
 - iii. *Exhibit C: Image from postmg.org*
2. Appellant's Initial Answer, Jan. 27, 2015
3. Respondent's First Amended Complaint, Oct. 10, 2016
4. Appellant's First Amended Answer, Nov. 23, 2016
5. Appellant's Answer to Respondent's First Amended Complaint, Feb. 1, 2018
6. Respondent's Second Amended Complaint, Aug. 28, 2018
7. Appellant's Answer & Counterclaim to Respondent's Second Amended Complaint, July 22, 2019
8. Respondent's Reply to the Counterclaim, Aug. 27, 2019
9. Respondent's Amended Reply to the Counterclaim, Aug. 27, 2019
10. Appellant's Amended Answer, Mar. 3, 2020
11. Appellant's Amended Answer & Counterclaim, Oct. 29, 2020

III. TRANSCRIPTS

1. Transcript of Hearing Held Jan. 24, 2025

IV. OTHER MATERIALS OR DOCUMENTS

1. Respondent's Affidavit of Default, Nov. 22, 2016
2. Respondent's Affidavit of Default, Mar. 3, 2017
3. Appellant's Motion for Temporary Injunction, Mar. 5, 2018 *w/ Attachments A-B*
 - i. *Exhibit A: Article from Veritas News Network, Feb. 13, 2018*
 - ii. *Exhibit B: Article from USA Herald, May 13, 2017*
4. Respondent's Motion to Compel, Mar. 15, 2018 *w/ Attachments A-H*
 - i. *Exhibit A: Letter from Lana H. Sims, Esq. to Svend Deal, Esq. Concerning Discovery Responses, Feb. 16, 2015*
 - ii. *Exhibit B: Appellant's Responses to Requests to Admit, Nov. 14, 2014*

- iii. *Exhibit C: Appellant's Responses to First Set of Interrogatories, Jan. 10, 2015*
 - iv. *Exhibit D: Appellant's Responses to First Set of Requests for Production, Jan. 10, 2015*
 - v. *Exhibit E: Appellant's Supplemental Responses to Requests to Admit, May 13, 2015*
 - vi. *Exhibit F: Appellant's Responses to Supplemental Interrogatories, Sept. 21, 2016*
 - vii. *Exhibit G: Appellant's Responses to Supplemental Requests for Production, Sept. 21, 2016*
 - viii. *Exhibit H: Appellant's Responses to First Set of Interrogatories, May 6, 2015*
5. Appellant's Memorandum in Support of Motion for Temporary Injunction, Mar. 26, 2018 w/ *Attachments 1-6*
 - i. *Exhibit 1: Article from USA Herald, Feb. 16, 2018*
 - ii. *Exhibit 2: Backlink Analytics on USA Herald Article from Exhibit 1*
 - iii. *Exhibit 3: Backlink Analytics on USA Herald Article*
 - iv. *Exhibit 4: USA Herald Twitter Post, Jan. 28, 2018*
 - v. *Exhibit 5: Posts & Comments from USA Herald's Twitter, Jan. 28, 2018*
 - vi. *Exhibit 6: USA Herald Twitter Post, Mar. 16, 2018*
 6. Respondent's Memorandum in Opposition to Appellant's Motion for Temporary Injunction, Mar. 26, 2018 w/ *Attachment*
 - i. *Affidavit of Richard A. Gorman, Mar. 26, 2018*
 7. Respondent's Memorandum Concerning Respondent's and Appellant's Motions to Compel, Apr. 10, 2018 w/ *Attachment*
 - i. *Emails between Andrew Radeker, Esq. & Christopher Brumback, Esq., Apr. 2 & 10, 2018*
 8. Respondent's Affidavit of Default, July 31, 2018
 9. Respondent's Notice of Appeal, filed Jan. 17, 2019
 10. Respondent's Affidavit of Default, July 5, 2019
 11. Respondent's Motion to Strike Pleadings, Aug. 12, 2019
 12. Respondent's Affidavit of Default, Aug. 21, 2019 w/ *Attachments*
 - i. *Exhibit A: Excerpt of Deposition of John C. Monarch, May 2, 2016*
 - ii. *Exhibit B: Article on John C. Monarch by Ideamensch, Aug. 21, 2019*
 13. Affidavit of Andrew Radeker, Esq. Concerning Discovery, Aug. 22, 2019 w/ *Attachment*
 - i. *Email Exchanges between Christopher Brumback, Esq. & Andrew Radeker, Esq., Apr. 2-30, 2018*
 14. Appellant's Motion to Compel, Aug. 7, 2020 w/ *Attachments*
 - i. *Letter from Christopher Brumback, Esq. to Kirby D. Sheally, III, Esq., Mar. 2, 2018*

- ii. *Email Exchange between Christopher Brumback, Esq. & Kirby D. Sheally, III, Esq., Mar. 2 & Mar. 5, 2018*
 - iii. *Letter from Christopher Brumback, Esq. to Andrew Radeker, Esq., Mar. 13, 2018*
15. Respondent's Motion for Sanctions for Destruction of Evidence, Dec. 9, 2020 w/ Attachments
- i. *Affidavit of Christopher J. Watkins, Nov. 4, 2020*
 - ii. *Exhibit A: Preservation Letter, Dec. 20, 2013*
 - iii. *Exhibit B: Appellant's Answers to Supplemental Requests for Production, Sept. 28, 2020*
 - iv. *Exhibit C: Appellant's Answers to Supplemental Interrogatories, Sept. 28, 2020*
 - v. *Facebook Chat Messages between John C. Monarch & Ilya Putin, Feb. 19, 2013-Jan. 25, 2014*
 - vi. *Email Exchange between Doc Morgan, Esq. & Andrew Radeker, Esq., Oct. 27-Nov. 24, 2020*
16. Respondent's Motion to Compel, Dec. 9, 2020 w/ Attachments
- i. *Appellant's Answers to Supplemental Interrogatories*
 - ii. *Appellant's Answers to Supplemental Requests for Production*
17. Appellant's Memorandum in Opposition to Respondent's Motion for Sanctions, Jan. 4, 2021
18. Respondent's Reply in Support of Motion for Sanctions, Jan. 6, 2021
19. Respondent's Motion to Compel, Aug. 17, 2021 w/ Attachments
- i. *Respondent's Motion to Compel, Dec. 9, 2020*
 - ii. *Appellant's Answers to Supplemental Interrogatories, Sept. 28, 2020*
 - iii. *Appellant's Responses to Supplemental Request for Production, Sept. 28, 2020*
 - iv. *Email Exchange between Doc Morgan, Esq. & and Andrew Radeker, Esq., Oct. 27-Nov. 24, 2020*
20. Respondent's Motion for Sanctions, Aug. 17, 2021 w/ Attachments
- i. *Respondent's Motion for Sanctions for Destruction of Evidence, Dec. 9, 2020*
 - ii. *Affidavit of Affidavit of Christopher J. Watkins, Nov. 4, 2020*
 - iii. *Facebook Chat Messages between John C. Monarch & Ilya Putin, Feb. 19, 2013-Jan. 25, 2014*
21. Appellant's Memorandum in Opposition to Respondent's Motion to Compel, Sept. 13, 2021 w/ Attachment
- i. *Exhibit 1: Transcript of Hearing Held Oct. 15, 2015*
22. Appellant's Motion to Reconsider Order Granting Motion to Compel, Apr. 7, 2022 w/ Attachment
- i. *Emails between Respondent's Counsel, Appellant's Counsel, and Judge Kinlaw Concerning Electronic Examination of Devices, Sept.*

- 14, 2021-Mar. 14, 2022*
23. Appellant's Notice of Appeal, May 17, 2022 w/ *Attachments*
 - i. *Attachment A: Order Dated March 28, 2022 Granting Motion to Compel*
 - ii. *Attachment B: Order Dated April 27, 2022 Granting Motion to Compel*
 24. Respondent's Motion for Sanctions, Feb. 10, 2023 w/ *Attachments*
 - i. *Preservation Letter, Dec. 20, 2013*
 - ii. *Respondent's Motion to Compel, Mar. 15, 2018*
 - iii. *Respondent's Motion to Compel, June 18, 2020*
 - iv. *Consent Order, Aug. 21, 2020*
 - v. *Appellant's Answers to Supplemental Interrogatories, Sept. 28, 2020*
 - vi. *Appellant's Responses to Supplemental Requests for Production, Sept. 28, 2020*
 - vii. *Email Exchange between Doc Morgan, Esq. & Andrew Radeker, Esq., Oct. 27-Nov. 24, 2020*
 - viii. *Respondent's Motion to Compel, Dec. 9, 2020*
 - ix. *Affidavit of Christopher J. Watkins, Nov. 4, 2020*
 - x. *Order, Sept. 15, 2021*
 - xi. *Order, Mar. 28, 2022*
 - xii. *Appellant's Motion to Reconsider, Apr. 7, 2022*
 - xiii. *Appellant's Notice of Appeal, May 17, 2022*
 - xiv. *Email Exchange between Steven Buckingham, Esq. & Andrew Radeker, Esq., May 19-June 9, 2022*
 - xv. *Affidavit of Illya Shpetrik, June 14, 2022*
 - xvi. *Order, Jan. 12, 2023*
 - xvii. *Email Exchange between Steven Buckingham, Esq. (Counsel for Appellant) & Andrew Radeker, Esq., Feb. 6, 2023*
 25. Appellant's Motion to Schedule Trial, Mar. 13, 2023
 26. Appellant's Memorandum in Opposition to Respondent's Motion for Sanctions, Mar. 21, 2023 w/ *Attachments*
 - i. *Attachment A: Email Exchange between Steven Buckingham, Esq. & Andrew Radeker, Esq., Feb. 6, 2023*
 - ii. *Attachment B: Appellant's Proposed Order on Motion for Reconsideration*
 - iii. *Attachment C: Email Exchange between Steven Buckingham, Esq. & Andrew Radeker, Esq., June 6-9, 2022*
 - iv. *Attachment D: Affidavit of John C. Monarch; Order in Aid of Settlement, Sept. 7, 2016; Article & Comments from USA Herald dated May 16, 2018*
 - v. *Attachment E: Excerpt of Deposition of Illya Shpetrik, Feb. 23, 2023*
 - vi. *Attachment F: Settlement Agreement & Mutual Release between*

- Richard A. Gorman & Illya Shpetrik, June 14, 2022*
27. Respondent's Memorandum in Support of Motion for Sanctions, Mar. 21, 2023
 28. Affidavit of Steven M. Abrams, Aug. 24, 2023 w/ *Attachment*
 - i. *Curriculum Vitae of Steven M. Abrams*
 29. Respondent's Motion to Enforce Order and Strike Appellant's Answer & Counterclaim, Aug. 24, 2023
 30. Supplemental Affidavit of Steven M. Abrams, Nov. 7, 2023
 31. Affidavit of John C. Monarch, Dec. 13, 2023
 32. Respondent's Memorandum in Support of Enforcing Order and Striking Appellant's Answer & Counterclaim, Dec. 13, 2023 w/ *Attachment*
 - i. *Email Exchange between Steven M. Abrams, Andrew Radeker, Esq. and Steven Buckingham, Esq., Nov. 22-Dec. 4, 2023*
 33. Respondent's Motion to Authorize Neutral Expert to Provide Direct Data Access to Respondent's Expert, Feb. 14, 2024
 34. Appellant's Motion to Strike Respondent's Expert Christopher J. Watkins as a Testifying Witness, May 24, 2024
 35. Appellant's Motion for Partial Summary Judgment, May 24, 2024
 36. Respondent's Motion for Sanctions, May 29, 2024 w/ *Attachment*
 - i. *Affidavit of Christopher J. Watkins, May 21, 2024*
 37. Affidavit of Ian Finch, Jan. 22, 2025
 38. Report of Ian Finch, Jan. 22, 2025
 39. Respondent's Memorandum in Support of Motion for Sanctions, Jan. 22, 2025 w/ *Attachments*
 - i. *Affidavit of Christopher J. Watkins in Response to Report of Ian Finch, Jan. 22, 2025*
 - ii. *Affidavit of Illya Shpetrik, June 14, 2022*
 - iii. *Excerpt of Deposition of Illya Shpetrik, Feb. 23, 2023*
 - iv. *Excerpt of Deposition of Owen Vahey, May 23, 2024*
 - v. *Excerpt of Deposition of Stephen Perry, May 23, 2024*
 - vi. *Excerpt of Deposition of John C. Monarch, May 24, 2024*
 - vii. *Facebook Chat Messages between John C. Monarch & Ilya Putin, Feb. 19, 2013-Jan. 25, 2014*
 40. Appellant's Memorandum in Support of Motion for Partial Summary Judgment and in Opposition to Respondent's Motion for Sanctions, Jan. 23, 2025 w/ *Attachments*
 - i. *Attachment A: Richard A. Gorman's Florida Sexual Offender Registration*
 - ii. *Attachment B: Blackmail Email from "Rick Rollinski," Dec. 10, 2013*
 - iii. *Attachment C: Blackmail Email from "Rick Rollinski," Dec. 9, 2013*
 - iv. *Attachment D: Excerpt from Deposition of Richard A. Gorman, April 24, 2024*

- v. *Attachment E: Amended Complaint in Richard A. Gorman and Justin Singletary v. Keisha Ruff and Esteban Yaniz a/k/a Steven Yaniz, Pa. Ct. of Common Pleas, No. 11-11238*
- vi. *Attachment F: Order, April 1, 2014 in Richard A. Gorman and Justin Singletary v. Keisha Ruff and Esteban Yaniz a/k/a Steven Yaniz, Pa. Ct. of Common Pleas, No. 11-11238*
- vii. *Attachment G: Excerpt from Deposition of John C. Monarch*
- viii. *Attachment H: Webpage & Comments from PerformOutsider, Dec. 13, 2013*
- ix. *Attachment I: Excerpt of Deposition of Illya Shpetrik, Feb. 23, 2023*
- x. *Attachment J: Complaint in Richard A. Gorman v. Ilya Shpetrik, Oleg Shpetrik, Anna Shpetrik, and Mark Shpetrik, (E.D. Pa.)*
- xi. *Attachment K: Settlement Agreement & Mutual Release between Richard A. Gorman & Illya Shpetrik, June 14, 2022*
- xii. *Attachment L: Affidavit of John C. Monarch, Dec. 13, 2023 with AppleCare Protection Plan Certificate, Mar. 28, 2013*
- xiii. *Attachment M: Preservation Letter, Dec. 20, 2013*
- 41. Appellant's Notice of Appeal, Feb. 27, 2025 w/ Attachments
 - i. *Attachment A: Order, Feb. 26, 2025*
 - ii. *Attachment B: Order, Apr. 28, 2023*

V. CERTIFICATION

Consistent with Rule 209, SCACR, the undersigned counsel for Appellant hereby certifies that the foregoing designation contains no matter which is irrelevant to the appeal.

Respectfully submitted,

s/ Steven Edward Buckingham

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