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Jul 22 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Judge
J. Derham Cole, Sr., Circuit Judge

Appellate Case No. 2025-000627

PNC Bank, N.A., successor by
merger to PNC Equipment Finance,
LLC,

Respondent,

v.

S & J Asphalt Paving, LLC, Jose
Luis Guerrero, and Scott Robert
Ronson,

Appellants.

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

Appellants propose the following to be included in the Record on Appeal:

- (1) Summons and Complaint with Exhibits A, B, C, D, and E, Filed April 19, 2024
- (2) Corporate Verification of Michael McGinley, Filed April 19, 2024
- (3) Answer and Counterclaim with Exhibit A, Filed May 21, 2024
- (4) Defendants' Motion for Judgment on the Pleadings with Exhibit 1, Filed May 24, 2024
- (5) Defendants' Memorandum of Law in Support of Motion for Judgment on the Pleadings, or Alternatively Motion to Dismiss, and Motion to Strike, Filed May 24, 2024

- (6) Plaintiff's Response in Opposition to Defendants' Rule 12 Motions with Exhibits 1 and 2, Filed July 23, 2024
- (7) Plaintiff's Affidavit in Opposition to Defendants' Rule 12 Motions with Exhibits 1, 2, and 3, Filed July 23, 2024
- (8) Defendants' Reply to Plaintiff's Return and Objection to Consideration of Matters Outside the Pleadings, Filed July 26, 2024
- (9) Plaintiff's Motion to Amend with Exhibits 1 and 2 and Exhibits A, B, C, D, and E to Exhibit 2, Filed July 30, 2024
- (10) Defendants' Return to Plaintiff's Motion to Amend Complaint, Filed August 28, 2024
- (11) Form 4 Order Denying Defendants' Motion for Judgment on the Pleadings, or Alternatively to Dismiss, and Motion to Strike, Filed November 21, 2024
- (12) Defendants' Motion to Reconsider November 21, 2024, Form 4 Order, Filed November 21, 2024
- (13) Order Allowing Plaintiff's Motion to Amend Complaint, Filed February 20, 2025
- (14) Defendants' Motion to Reconsider Order Allowing Plaintiff's Motion to Amend Complaint, Filed February 25, 2025
- (15) Order Denying Defendants' Motion to Reconsider the Court's Order Filed on February 20, 2025, Filed on March 31, 2025
- (16) Form 4 Order Denying Defendants' Motion to Reconsider the Court's Order Denying Defendants' Motion for Judgment on the Pleadings, or Alternatively to Dismiss, Filed April 8, 2025
- (17) Transcript of Hearing before the Honorable J. Derham Cole, Sr., Circuit Judge, July 31, 2024
- (18) Transcript of Hearing before the Honorable R. Keith Kelly, Circuit Judge, December 12, 2024
- (19) Notice of Appeal to Court of Appeals, Filed April 1, 2025
- (20) Amended Notice of Appeal to Court of Appeals, Filed April 8, 2025

As counsel for the Appellants I certify, pursuant to Rule 209(c), *SCACR*, that the foregoing designations contain no matter which is irrelevant to this appeal.

Respectfully Submitted,

s/W.H. McAbee III

Willie H. McAbee III (S.C. Bar #103662)

DAVID R. PRICE, JR., P.A.

1001 East Washington Street (29601)

Post Office Box 2446

Greenville, South Carolina 29602

(864) 271-2636 – Telephone

(864) 271-2637 – Facsimile

Will@GreenvilleLegal.com

Attorney for the Appellants

Date: July 22, 2025
Greenville, South Carolina

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Appellants.

PROOF OF SERVICE

I certify that I have served Appellants' Designation of Matter upon the Respondent by sending the same to Respondent's attorneys of record at the e-mail addresses listed for said counsel in the AIS system this 16th day of April 2025, in accordance with *In re Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended April 24, 2024)* (d)(4), S.C. Sup. Ct. Order filed April 24, 2024. A copy of the e-mail to opposing counsel is attached hereto and incorporated by reference. I further certify that I have caused a copy of the Appellants' Memorandum in Support of Appealability to be sent to counsel for the Respondent by depositing the same in the United States Mail, with sufficient postage attached, addressed as follows: Smith Debnam Narron Drake Saintsing & Myers, LLP, 4601 Six Forks Road, Suite 400, Raleigh, NC 27609.

Respectfully submitted,

s/ W.H. McAbee III

Willie H. McAbee III (S.C. Bar #103662)

DAVID R. PRICE, JR., P.A.

1001 East Washington Street (29601)

Post Office Box 2446

Greenville, South Carolina 29602

(864) 271-2636 – Telephone

(864) 271-2637 – Facsimile

Will@GreenvilleLegal.com

Attorney for the Appellants

Date: July 22, 2025

Greenville, South Carolina

Other Counsel of Record:

Rachel E. Rogers (S.C. Bar #106048)

Melissa Tulis Smith (S.C. Bar #104464)

SMITH DEBNAM NARRON DRAKE SAINTSING & MYERS, LLP

4601 Six Forks Road, Suite 400

Raleigh, North Carolina 27609

(919) 250-2000 – Telephone

(919) 250-2211 – Facsimile

rrogers@smithdebnamlaw.com

mtulis@smithdebnamlaw.com

Attorneys for the Respondent

From: [Willie H. McAbee, III](#)
To: [Rachel Rogers](#); [Melissa Tulis Smith](#)
Cc: [Thomas A. Gray](#); [Byron L. Saintsing](#); [Cara Geloni](#); [Sharon Butler](#)
Subject: Appellate Case No. 2025-000627
Date: Tuesday, July 22, 2025 4:07:00 PM
Attachments: [Appellants' Initial Brief v.2.pdf](#)
[image001.png](#)
[Appellants' Designation of Matter.pdf](#)
[Proof of Service for Initial Brief.pdf](#)
[Proof of Service for Designation of Matter.pdf](#)

Counselors:

Please find attached Appellants' Initial Brief and Designation of Matter in regards to the above referenced appeal. Please also find attached our Proof of Service for each filing. I will be placing these in the mail today as well. Please do not hesitate to contact me if you require anything further.

Best regards,

Will McAbee

Willie H. McAbee III
Attorney
DAVID R. PRICE, JR., P.A.
1001 East Washington Street (29601)
Post Office Box 2446
Greenville, South Carolina 29602
Telephone: (864) 271-2636
Facsimile: (864) 271-2637
www.greenvillelegal.com

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Speak with a Greenville personal injury lawyer today. David R. Price, Jr. and his injury attorney team can assist you. Contact us today!

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DAVID R. PRICE, JR., P.A.
ATTORNEYS AT LAW

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