

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

NOV 15 2013

S.C. Supreme Court

Judge George James, Jr., Circuit Court Judge
James F. Barber, Supervising Circuit Court Judge

Formerly Pending before the South Carolina Court of Appeals

Howard Hammer Appellant

v.

Shirley Hammer.....Respondent

Case No. 2009-CP-40-05911
Appellate No. 2013-001652

1634 Main, L.P.Plaintiff/ Appellant

v.

Shirley Hammer a/k/a Shirley Grace HightowerDefendant and Third Party
Plaintiff/Respondent

v.

Howard Hammer.....Appellant/Additional
Defendant on
Counterclaim/Appellant

Case No. 2010-CP-40-2889
Appellate No. 2013-001634

**DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON
APPEAL OF APPELLANT HOWARD HAMMER.**

1. Amended Summons and Complaint filed June 9, 2010
2. Answer to Complaint, Motion to Dismiss, Motion for Injunction, and Third Party
Complaint dated June 18, 2010

3. Amended Answer to Complaint, Motion to Dismiss, Motion for Injunction, and Third Party Complaint dated June 24, 2010
4. Motion to Compel, Subpoena, Motion for Default Judgment, and Affidavit of Default as to Mr. Hammer on November 11, 2010
5. Order dated February 18, 2011
6. Second Amended Complaint filed February 28, 2011
7. Motions dated March 28, 2011
8. Order dated August 19, 2011
9. Amendment to Amended Answer to Complaint, Counterclaims, and Amended Third-Party Complaint dated November 3, 2011
10. Second Amendment to Amended Answer to Complaint, Counterclaims, and Amended Third-Party Complaint dated March 14, 2012
11. Plaintiff's Reply
12. Reply of Howard Hammer dated March 2, 2012
13. Withdrawal of: Certain Claims for Damages of Shirley Hammer dated October 26, 2012.
14. Howard Hammer's Motion for a Mistrial filed January 24, 2013.
15. Plaintiff's Motion for New trial or in the Alternative to Alter, Amend, or Modify dated February 11, 2013
16. Howard Hammer's Motion to Reconsider dated February 11, 2013
17. Order (Denying Plaintiff and Howard Hammer's Motions to Reconsider)
18. Motion for Sanctions of Defendant Shirley Hammer
19. Howard Hammer's Motion to Dismiss Motion Sanctions dated February 20, 2013

20. Plaintiff's Motion to Dismiss Motion Sanctions dated February 25, 2013
21. Order denying Motions to Reconsider dated June 3, 2013
22. Plaintiff's Motion to Reconsider
23. Order denying Motions to Reconsider dated September 19, 2013
24. Notice of Appeal.
25. 1634 Exhibit #2: Exclusive Leasing and Management Agreement dated January 8, 2002
26. Defendant's Exhibit #4 Letter from Howard to Paul Degenhart July 2009
27. Defendant's Exhibit #11 Agreement of Limited Partnership of 1634 Main, L.P. dated December 12, 2000
28. Defendant's Exhibit #12 Limited Partnership Interest Certificate Howard's 55% interest in 1634 Main, L.P.
29. Defendant's Exhibit #13 Limited Partnership Interest Certificate SH5, LLC's 1% interest in 1634 Main, L.P.
30. Defendant's Exhibit #14 Special Warranty Deed for 1634 Main real estate dated February 11, 2002
31. Defendant's Exhibit #18 South Carolina Court of Appeals Order affirming Order Dismissing Complaint April 14, 2010
32. Defendant's Exhibit #19 Tax Return for 1634 Main, L.P. 2005
33. Defendant's Exhibit #20 Tax Return for 1634 Main, L.P. 2006
34. Defendant's Exhibit #21 Tax Return for 1634 Main, L.P. 2007
35. Defendant Exhibit #22 Tax Return for 1634 Main, L.P. 2008

36. Defendant's Exhibit #23 Letter from Danville Business Advisors to Howard Hammer
November 10, 2009
37. Defendant's Exhibit #24 Tax Return of 1634 Main, L.P. 2010
38. Defendant's Exhibit #25 Tax Return of 1634 Main, L.P. 2011
39. Defendant's Exhibit #29 Schedule-K for Shirley Howard 2005 and letter from
Danville to Walter Moring, CPA dated November 29, 2011
40. Defendant's Exhibit #31 Year-to-Date Operating Statement of 1634 Main ending
December 31, 2005 (Revised)
41. Plaintiff's Exhibit #4 Letter dated November 12, 2010
42. Respondent's Pretrial Brief, Pages 1 and 4
43. Transcript of Record of Trial held January 5, 2013, pages:
 - a) page 48-78
 - b) pages 82-88
44. Transcript of Record held May 17, 2013
Page
45. Transcript of Record held October 29 and 30, 2012 and November 1, 2010, pages:
 - a) page 11, line 21 through p. 13, line 2
 - b) page 32, lines 15-18 end at "Yes"
 - c) page 43, line 9 through page 44, line 22
 - d) page 50, line 3 through page 55, line 10
 - e) page 52, line 25 through page 56, line 7
 - f) page 54, line 10 through p. 55, line 17
 - g) page 57
 - h) page 219, line 221 through line 17
 - i) page 226, lines 22-25
 - j) page 229
 - k) pages 264-265
 - l) pages 265-267
 - m) pages 272-273
 - n) pages 276-277
 - o) page 382
 - p) pages 384-386
 - q) page 388
 - r) pages 604-681
 - s) page 611

t) pages 625-626

46. Deposition of Bernard Ackerman:

- a) page 238, lines 22-25
- b) page 241 through page 332, line 6
- c) page 342, line 15 through 394
- d) full cross examination



Howard Hammer, Pro se.