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May 27 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Daniel Coble, Circuit Court Judge

Appellate Case No. 2026-000357

Civil Action No. 2022-CP-40-05552

South Carolina Automobile and Truck Dealers Association,.....Respondent,

v.

South Carolina Department of Consumer Affairs,.....Appellant.

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

The Appellant South Carolina Department of Consumer Affairs proposes the following to be included in the Record on Appeal:

1. Complaint, with exhibits, filed September 20, 2022;
2. Amended Answer and Counterclaim, with exhibits, filed November 16, 2022;
3. Motion for Substitution of Counsel, filed December 2, 2022;
4. Motion to Compel by Respondent, with exhibits, filed February 10, 2023;
5. Motion for Summary Judgment by Appellant, with exhibits, filed April 7, 2023;
6. Exhibits One through Ten to Appellant's Motion for Summary Judgment, filed April 10, 2023;
7. Appellant's Return to Respondent's Motion to Compel, filed April 12, 2023;

8. Order Granting in Part and Denying in Part Motions to Compel, filed May 12, 2023;
9. Appellant's Motion for Reconsideration of Order Granting in Part and Denying in Part Respondent's Motion to Compel, with exhibits, filed May 22, 2023;
10. Order Denying Motions to Reconsider, filed June 5, 2023;
11. Appellant's Motion to Dismiss, with exhibits, filed June 9, 2023;
12. Appellant's Memorandum in Support of Motion to Dismiss, filed August 7, 2023;
13. Appellant's Supplemental Memorandum in Support of Motion to Dismiss, with exhibits, filed August 11, 2023;
14. Order Denying Defendant's Motion to Dismiss, filed September 25, 2023;
15. Appellant's Motion to Reconsider, filed October 3, 2023;
16. Order Denying Motion to Reconsider, filed October 10, 2023;
17. Appellant's Supplemental Memorandum in Support of Motion for Summary Judgment, with exhibits, filed November 6, 2023;
18. Form 4 Order Denying Appellant's Motion for Summary Judgment, filed January 2, 2024;
19. Joint Stipulation, filed September 25, 2024;
20. Appellant's Motion for Summary Judgment, with exhibits, filed October 25, 2024;
21. Appellant's Memorandum in Support of Motion for Summary Judgment, filed January 23, 2025;
22. Respondent's Motion for Continuance, filed January 30, 2025;
23. Order, entered February 2, 2025;
24. Order Granting Plaintiff's Motion for Continuance, filed February 3, 2025;
25. Appellant's Motion in Limine to Exclude Testimony of Karyn Heimes, filed July 28, 2025;
26. Appellant's Motion in Limine, filed October 6, 2025;

27. Order Granting Plaintiff's Request for Declaratory Judgment, filed November 6, 2025;
28. Respondent's Motion for Award of Attorney's Fees, filed November 14, 2025;
29. Affidavit of James Y. Becker in Support of Plaintiff's Motion for Award of Attorney's Fees, filed November 14, 2025;
30. Appellant's Post-Trial Motion (To Alter or Amend the Trial Court Order, or in the alternative, For a New Trial Absolute) and Memorandum in Support of Motions, with exhibits, filed November 17, 2025;
31. Affidavit of Vincent A. Sheheen, filed November 26, 2025;
32. Appellant's Response in Opposition to Respondent's Motion for Attorney's Fees, filed December 1, 2025;
33. Appellant's Motion to Strike, filed December 2, 2025;
34. Respondent's Motion to Amend Complaint, filed December 3, 2025;
35. Respondent's Corrected Memorandum of Law in Support of Motion for Award of Attorney's Fees, with exhibits, filed December 5, 2025, originally filed December 1, 2025;
36. Respondent's Reply Memorandum of Law in Support of Motion for Award of Attorney's Fees and Response to Defendant's Motion to Strike, filed December 8, 2025;
37. Appellant's Reply to Its Post-Trial Motions, with exhibits, filed December 22, 2025;
38. Appellant's Supplemental Response in Opposition to Plaintiff's Motion for Attorney's Fees, filed December 22, 2025;
39. Appellant's Response in Opposition to Plaintiff's Motion to Amend Complaint, filed December 22, 2025;

40. Order denying Appellant's Motion for Reconsideration, granting Respondent's Motion for Attorney's Fees, denying Appellant's Motion to Strike, and granting Respondent's Motion to Amend Complaint, filed January 16, 2026;
41. Order Regarding Post Trial Motions, filed February 12, 2026;
42. Notice of Appeal, filed February 17, 2026;
43. Transcript of Motions Hearing held on August 8, 2023;
44. Transcript of Motions Hearing held on January 24, 2025;
45. Transcript of Bench Trial held on October 8 – 10, 2025;
46. Respondent's Admitted Trial Exhibits: 1, 2, 3, 3A, 3B, 3C, 7, 8, 10, 13, 14, 17, B, C, D, E, F, and G;
47. Appellant's Admitted Trial Exhibits: 5, 14, 15, 16, 17, 44, 54, 60, 64, 65, 68, 74, 77, 84, and 85.

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

Respectfully submitted,

s/Peter M. Balthazor

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