

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

APPEAL FROM PICKENS COUNTY

Court of Common Pleas
Jessica A. Salvini, Circuit Court Judge

Case No. 2021-CP-39-00329
Court of Appeals Case No. 2025-001327

Michael and Mary Smith,

Appellants,

v.

King Asphalt, Inc.

Respondent.

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

Pursuant to Rule 210(c), SCACR, Appellants designate the following matter for inclusion in the
Record on Appeal:

1. The Complaint.

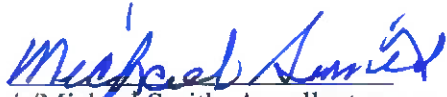
2. The Answer of King Asphalt, Inc.
3. Handwritten filing of Appellants dated March 25, 2024.
4. Respondent's Motion for Summary Judgment and Memorandum in support.
5. Appellants' Opposition to Motion for Summary Judgment and Cross Motion for Summary Judgment, served December 13, 2024, with Certificate of Service, including the Exhibits filed December 13, 2024 (Exhibits Part 1, pages 86 to 267; Exhibits Part 2, pages 268 to 370; Exhibit 3, pages 371 to 459) and the USB drive of digital exhibits (video, audio, and photographic files) submitted therewith.
6. Appellants' Request to Clarify Rulings and Preserve Issues for Appeal, dated January 22, 2025, and Amended Request to Clarify Rulings, filed January 24, 2025, with the Certificates of Service and Exhibits filed January 23 and January 24, 2025.
7. SCDOT Proposal and Contract No. 3948130, as filed by Respondent on January 27, 2025, in its entirety.
8. Transcript of the hearing held January 27, 2025, before the Honorable Jessica A. Salvini, filed in the circuit court July 11, 2025.
9. Appellants' Response to Defendant's Memorandum, filed January 30, 2025, with Exhibits A-R and Certificate of Service filed January 30, 2025.
10. Form 4 Order of Judgment, entered February 18, 2025.
11. Appellants' Motion to Reconsider Pursuant to Rule 59(e), SCRCF, filed February 28, 2025, with the Exhibits filed February 28, 2025.
12. Order Granting Summary Judgment, filed March 10, 2025.

13. Appellants' Supplement to Motion to Reconsider, filed March 20, 2025, with the Exhibits and Certificates of Service filed March 20, 2025.
14. Appellants' letter to the Court, filed March 26, 2025.
15. Initial Order Regarding Motion for Reconsideration, filed April 4, 2025.
16. Appellants' Second Supplemental Submission, filed April 11, 2025.
17. Appellants' Exhibits, filed by Michael Smith and docketed April 11, 2025.
18. King Asphalt, Inc.'s Return to Plaintiffs' Motion for Reconsideration, filed April 18, 2025.
19. Appellants' Motion for Leave to File Surreply to Defendant's Return, filed April 21, 2025.
20. Order (Electronic Form 4), entered May 1, 2025.
21. Appellants' Surreply to Defendant's Return to Plaintiffs' Motion to Reconsider, filed May 8, 2025, with all exhibits thereto, including the full deposition transcripts of Joe Daniel Laws, III, and Joshua Frazier Makison (Exhibit D) and the deposition excerpts of eyewitness Olivia Paige Bryan (Exhibit E).
22. Final Order Regarding Motion to Reconsider, filed May 27, 2025.
23. Notice of Appeal, filed June 23, 2025.
24. Motion and Affidavit to Proceed In Forma Pauperis (Appeal), filed by Michael Smith June 23, 2025.
25. Order (Electronic Form 4), entered June 24, 2025.

Each item designated above includes all exhibits, attachments, and appendices thereto as filed.

[signature page to follow]

Respectfully submitted,


/s/Michael Smith, Appellant pro se


/s/Mary Smith, Appellant pro se

220 Stancil Street
Easley, SC 29640
MichaelDSmith@housemail.com

Dated: July 6, 2026

RECEIVED

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SC Court of Appeals

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2026, I served a true and correct copy of the foregoing **DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** via email upon:

SC Court of Appeals: ctappfilings@sccourts.org

Catharine Garbee Griffin, Esq.
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/s/ Michael D. Smith
Michael D. Smith, Pro Se Appellant



/s/ Mary Smith
Mary Smith, Appellant pro se

July 6, 2026