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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of Common Pleas
C/A No. 2021-CP-39-00329
Jessica A. Salvini, Circuit Judge

Appellate Case No. 2025-001327

Michael and Mary Smith,..... Appellants,

v.

King Asphalt, Inc.,..... Respondent,

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

In accordance with Rule 209, SCACR, the respondent King Asphalt, Inc. hereby designates the following matters to be included in the Record on Appeal:

1. Summons and Complaint, filed on 3/23/21;
2. Affidavit of Service on King Asphalt, Inc., filed on 7/16/2021;
3. Affidavit of Service on Themistoklis Economou, filed on 9/2/21;
4. Answer of King Asphalt, filed on 8/2/21.
5. Answer of Defendant Themistoklis Economou, filed on 9/13/20.
6. Defendant South Carolina Department of Transportation (SCDOT'S) Motion to Dismiss, filed on 7/21/2021.
7. Stipulation on Dismissal, filed on 7/27/2021.
8. Stipulation on Dismissal with Prejudice Pursuant to Rule 41 as to Themistoklis Economou Only, filed on 1/17/2024;

9. King Asphalt, Inc.'s Motion for Summary Judgment, filed on 1/19/24.
10. Plaintiffs' Opposition to Defendant King Asphalt, Inc.'s Motion for Summary Judgment, Cross-Motion for Summary Judgment, and Prayer for Alternative Relief, filed on 12/13/24;
11. Memorandum in Support of King Asphalt's Motion for Summary Judgment and in Opposition to Plaintiff's Cross-Motion for Summary Judgment.
12. Transcript of Record: 1/27/25 Hearing on Motions for Summary Judgment before The Honorable Jessica Ann Salvini, Circuit Judge, dated 2/20/25;
13. Order Granting Defendant King Asphalt, Inc.'s Motion for Summary Judgment and Denying Plaintiffs' Motion for Summary Judgment, filed on 3/10/25;
14. Supplement – Plaintiffs' Motion to Reconsider Pursuant to Rule 59(e), filed on 3/20/25;
15. King Asphalt, Inc.'s Return to Plaintiffs' Motion for Reconsideration, filed on 4/18/25;
16. Final Order Regarding Motion to Reconsider, filed on 5/27/2025;
17. SCDOT Proposal, Contract and Bond for Highway Construction: Resurfacing/Reconstruction – FDR; Bid Received: June 12, 2028; Award Date: July 3, 2018, with attachments.
18. SCDOT's Primary Route Daytime Lane Closure Drawing;
19. Transcript of Deposition of Joshua Frazier Makison;
20. Transcript of Deposition of Douglas Eugene Limbaugh, Jr.
— Pages: 6, 8, 9, 15, 22, 28–30, 32–34, 42–44;
21. Transcript of Deposition of Joe Daniel Laws;
22. Transcript of Deposition of Zachary Shane Michael:
—Pages: 6, 7, 19–21, 23, 29, 36–38, 46, 54, 55, 62;
23. Transcript of Deposition of Michael Smith:
—Pages: 103, 104, 116–121;
24. Transcript of Deposition of Themistoklis Georgios Economou:
—Pages: 19–26, 40–43;

25. Transcript of Deposition of Frank Pressly:
—Pages: 7–10;

18. Transcript of Deposition of Michael Laginestra.

I certify that this Designation contains no matter that is irrelevant to the appeal.

/s/Catharine Garbee Griffin
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August 5, 2026.