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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Marvin H. Dukes III, Circuit Court Judge

Appellant Case No. 2026-000707
Case No. 2020-CP-07-00989

Turner's Marina, LLC

Respondent/Appellant,

v.

R.V. Resort and Yacht Club
Owners' Association, Inc.,,

Appellant/Respondent.

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

Respondent/Appellant, Turner's Marina, LLC, proposes the following to be included in the Record on Appeal:

I.

MATTER DESIGNATED BY APPELLANT/RESPONDENT

1. Plaintiff's Summons and Complaint, dated May 1, 2020.
2. Defendant's Answer and Counterclaim, dated June 4, 2020.
3. Plaintiff's Reply to Counterclaim, dated July 16, 2020.
4. Plaintiff's Third Amended Summons and Complaint, dated March 5, 2021.
5. Defendant's Amended Answer to Third Amended Complaint and Counterclaims, dated March 19, 2021.
6. Plaintiff's Reply to Counterclaims, dated April 8, 2021.
7. Order of Reference, dated August 19, 2021.

8. Order Partial Summary Judgment, dated June 28, 2022.
9. Order Granting Motion to Alter or Amend and Order for Partial Summary Judgment, dated November 8, 2022.
10. S.C. Supreme Court Order dated June 26, 2024.
11. Order Vacating Order of Reference and Assigning Case to Honorable Marvin H. Dukes III, dated March 6, 2025.
12. Final Order, dated October 17, 2025.
13. Defendant's Motion to Alter or Amend, dated October 27, 2025.
14. Plaintiff's Motion to Alter or Amend Judgment Pursuant to Rule 59(e), SCRCPP, dated October 27, 2025.
15. Form 4 Order as to Post-Trial Motions, dated February 12, 2026.
16. Trial Exhibits:
 - A. Plaintiff's Exhibits 1, 4, 5, 17.
 - B. Defendant's Exhibits 6, 19, 32, 34.
17. Trial Testimony:

<u>Day</u>	<u>Pages</u>
1	67–68, 233–34
2	26, 96, 254–255
3	91, 99–100
4	37–38, 41–43, 74–75, 258–259
5	200, 215–216, 226–227
8	54–56
9	26–30, 32–33, 63–66
April 17, 2025 Hearing	19, 20, 23, 30, 35, 39, 43, 46, 52, 99–101, 110, 112, 117
November 25, 2025 Hearing	1, 2, 30, 39, 40, 45, 53, 55, 59, 62

Plus, all other Trial Exhibits and portions of the Trial Transcript and Post-Trial hearing cited in Appellant's Initial Brief not listed above.

II.

ADDITIONAL MATTER DESIGNATED BY RESPONDENT/APPELLANT

A. Pleadings

18. Amended Summons and Complaint, dated May 8, 2020.
19. Summons and Second Amended Complaint, dated July 13, 2020.
20. Defendant's Answer to Second Amended Complaint and Counterclaim, dated July 14, 2020.
21. Defendant's Amended Answer to Second Amended Complaint and Counterclaim, dated February 3, 2021.
22. Plaintiff's Reply to Counterclaims, dated April 28, 2021.

B. Orders, Judgments and Decisions

23. Consent Order Compelling Responses to Discovery, dated May 28, 2021.
24. Order Denying Plaintiff's Motion to Allow Additional Rebuttal Testimony, dated March 20, 2023.
25. Order Denying Plaintiff's Motion to Alter or Amend the Order of March 20, 2023, dated May 1, 2023.
26. Order Denying Motion to Reopen Case, dated May 5, 2025.
27. Each Form 4 Order as to the post-trial motions entered February 12, 2026, the docket reflecting two such Orders entered that date.

C. Motions, Memoranda, Affidavits and Post-Trial Filings

28. Plaintiff's Motion for Partial Summary Judgment, dated May 7, 2021.
29. Defendant's Return to Motion for Partial Summary Judgment, dated June 15, 2021.
30. Affidavit of Kenneth Folkers, dated June 7, 2021.
31. Defendant's Return to Motion for Partial Summary Judgment, dated March 28, 2022.
32. Filing of Deposition Testimony in Support of Plaintiff's Motion for Partial Summary Judgment, dated April 7, 2022.
33. Plaintiff's Memorandum in Support of Motion for Partial Summary Judgment, dated April 8, 2022.
34. Defendant's Supplemental Return to Plaintiff's Motion for Partial Summary Judgment, dated April 18, 2022.
35. Plaintiff's Motion to Alter and/or Amend the Order of Partial Summary Judgment, dated July 6, 2022.

36. Plaintiff's Motion to Allow Additional Rebuttal Testimony Following Trial, dated January 19, 2023.
37. Defendant's Return to Motion to Allow Additional Rebuttal Testimony, dated February 2, 2023.
38. Plaintiff's Motion to Alter or Amend Order Denying Motion to Allow Additional Rebuttal Testimony, dated March 28, 2023.
39. Defendant's Return to Motion to Alter or Amend Order of March 20, 2023, dated April 20, 2023.
40. Plaintiff's Closing Argument Memorandum, dated March 31, 2023.
41. Defendant's Closing Arguments, dated March 31, 2023.
42. Plaintiff's Motion to Reopen Case and Set Hearing to Take Additional Testimony, dated May 1, 2024.
43. Defendant's Return to Motion to Reopen Case and Set Hearing Date, dated December 16, 2024.
44. Affidavit of Neil A. Turner, dated January 17, 2025.
45. Affidavit of Christopher Sibley, dated January 20, 2025.
46. Affidavit of Jackie Foulks, dated January 20, 2025.
47. Affidavit of Neil A. Turner, dated February 18, 2025.
48. Plaintiff's Motion to Strike Defendant's Improper Filing, dated August 29, 2025.
49. Defendant's Motion for Stay, dated October 8, 2025.
50. Defendant's Memorandum in Support of Its Motion to Alter or Amend, dated November 24, 2025.
51. Plaintiff's Memorandum in Support of Motion to Alter or Amend Judgment, dated November 24, 2025.
52. Notice of Appeal of R.V. Resort and Yacht Club Owners' Association, Inc., dated March 16, 2026.
53. Notice of Appeal of Turner's Marina, LLC, dated March 17, 2026.

D. Transcript

54. The complete transcript of the non-jury trial, Trial Days 1 through 9, commencing April 27, 2022 and concluding November 8, 2022, including all colloquy of counsel, motions, objections and rulings of the Trial Court.
55. The complete transcripts of all post-trial hearings before the Trial Court, including without limitation the hearings held April 17, 2025 and November 25, 2025.

E. Exhibits and Deposition Designations

56. All exhibits admitted into evidence at trial, both Plaintiff's and Defendant's, together with the parties' Exhibit Lists filed April 29, 2022 and August 17, 2022.
57. All deposition excerpts and designations used or published at trial, including Plaintiff's Designation of Excerpts to be Used at Trial and Defendant's Designation of Excerpts and Exhibits at Trial, each dated April 26, 2022; Defendant's Designation of Excerpts in Reply to Plaintiff's Rule 32 Designation, dated April 26, 2022; and Plaintiff's Designation of Excerpts to be Used at Trial in Rebuttal, dated November 7, 2022.

Turner's Marina further designates all other portions of the trial transcript, post-trial hearing transcripts, exhibits, pleadings, orders and other matter cited in Respondent/Appellant's Brief and not listed above.

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

September 21, 2026.

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