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SC Court of Appeals

Robert J. Bonds, Circuit Court Judge
Deadre L. Jefferson, Circuit Court Judge
R. Kirk Griffin, Circuit Court Judge

Appellate Case No. 2026-000244

Case No. 2011-CP-10-07166

Otha M. Delaney, Octavia D. Watson, Alicia S. Alston and Paul McGuiggan, Jr., individually and on behalf of all others similarly situated as Co-Class Representatives.....Respondents/Appellants,

v.

First Financial of Charleston, Inc.....Appellant/Respondent.

AND

Otha M. Delaney, Octavia D. Watson, Alicia S. Alston and Paul McGuiggan, Jr., individually and on behalf of all others similarly situated as Co-Class RepresentativesAppellants,

v.

First Financial of Charleston, Inc.....Appellant/Respondent.

**OTHA M. DELANEY, OCTAVIA D. WATSON, ALICIA S. ALSON AND PAUL
MCGUIGGAN, JR., INDIVIDUALLY AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED AS CO-CLASS REPRESENTATIVES,
RESPONDENTS' DESIGNATION OF MATTER**

Pursuant to Rule 209, SCACR, Respondents propose the following be included in the Record on Appeal. Unless otherwise stated, all items designated include exhibits and exclude proof of service, cover sheets, motion forms and notices. Respondents reserve the right to include additional designations in connection with their initial brief or otherwise. Additionally, since this is one of several appeals involving these parties, and to avoid unnecessary duplication in the Record on Appeal in this Appellate Case No. 2026-000244, Appellants reserve the right to

incorporate by reference in the final Respondents' Brief in the instant appeal citations to any portion of the prior Record on Appeal in Appellate Case No. 2014-000824 for reference in the current Record on Appeal in 2026-000244. The prior Record on Appeal remains of record in the C-track Appellate System.

ORDERS

1. 3/29/2012 Order granting FFC's Motion for 7 day Extension to Respond to Discovery
2. 4/30/2013 Order granting FFC's Motion to Dismiss
3. 3/17/2014 Order Denying Delaney's Motion to Reconsider
4. 9/28/2016 Court of Appeals affirmed in a split decision
5. 10/19/2016 Court of Appeals remitted the case to the Trial Court
6. 11/2/2016 Court of Appeals filed an Order recalling the remittitur
7. 11/3/2016 Court of Appeals Order Extending Time to Petition for Rehearing
8. 2/16/2017 Court of Appeals Order Denying Rehearing
9. 3/19/2021 Form 4 Order on Motion to Compel – Moot
10. 3/28/2018 Supreme Court Order granting Delaney's Petition for a Writ of Certiorari and Denying FFC's Motion to Dismiss as moot
11. 5/8/2019 Supreme Court's Opinion Reversing Dismissal
12. 7/15/2019 Supreme Court's Order Denying Rehearing
13. 7/15/2019 Remittitur
14. 7/1/2020 Court enters Form 4 Order Granting Delaney's Motion to Compel FFC's discovery responses
15. 7/13/2020 A more fulsome Order Granting Delaney's Motion to Compel FFC's discovery responses
16. 7/30/2020 Court enters Form 4 Order Denying FFC's Motion to Reconsider
17. 3/23/2021 Form 4 Order Granting Leave to Amend Complaint
18. 7/27/2021 Order Granting Motion for Class Certification
19. 11/8/2021 Order Denying FFC's Motion to Reconsider
20. 2/17/2022 Order Denying FFC's Motion to Reconsider 8-6-21 Order Granting Class Certification
21. 8/19/2021 Order Denying Motion to Dismiss Amended Class Action Complaint
22. 3/10/2022 Court of Appeals' Order Dismissing FFC's Appeal
23. 5/17/2022 Court of Appeals' Order Denying FFC's Petition for Rehearing
24. 8/10/2023 Supreme Court's Order Denying Certiorari
25. 10/11/2023 Remittitur (2021-001443)
26. 9/18/2025 Order Granting Plaintiff's Motion for Summary Judgment and Denying FFC's Motion for Summary Judgment
27. 11/21/2025 Remittitur (2025-002135)
28. 12/18/2025 Order Granting Motion to Withdraw and Motion to ReOpen is Withdrawn
29. 1/22/2026 Order Denying Sanctions and Granting Intervention

PLEADINGS

30.	10/4/2011	Summons and Complaint
31.	11/30/2011	FFC fields Motion to Dismiss
32.	3/22/2012	FFC filed a Motion to extend time
33.	5/7/2013	Delaney's Motion to Reconsider
34.	4/15/2014	Delaney's Notice of Appeal
35.	11/18/2016	Delaney's Petition for Rehearing
36.	1/9/2017	FFC's Return to Delaney's Petition for Rehearing
37.	3/20/2017	Delaney's Petition for a Writ of Certiorari
38.	5/11/2017	FFC's Motion to Dismiss Delaney's Petition for a Writ of Certiorari
39.	5/11/2017	FFC's Return to Delaney's Petition for a Writ of Certiorari
40.	6/7/2018	FFC's Brief to the Supreme Court
41.	6/19/2019	FFC's Petition to Supreme Court for Rehearing
42.	3/12/2020	Delaney's Motion to Compel FFC's discovery responses
43.	7/23/2020	FFC's Motion to Reconsider the Court's 7/13/2020 Order
44.	9/10/2020	Delaney's Motion for Sanctions - withdrawn
45.	1/6/2021	Delaney's Motion to Compel FFC's responses to 3rd RFP
46.	3/30/2021	Amended Complaint
47.	4/29/2021	FFC's Motion to Dismiss Amended Complaint
48.	12/8/2021	FFC's Notice of Appeal
49.	2/14/2022	Delaney's Memo to Court of Appeals RE Appealability in 2021-001443
50.	8/18/2022	Delaney's Response in Opposition to Petition for Writ of Certiorari
51.	8/6/2024	Motion for Sanctions
52.	9/11/2024	FFC's Motion for Summary Judgment
53.	11/4/2024	Delaney's Memo in Support of Motion for Summary Judgment
54.	9/29/2025	FFC's Motion to Reconsider 9-18-25 Order
55.	4/20/2025	FFC's Amended Motion for Summary Judgment
56.	4/22/2025	FFC's Appendix of Exhibits for Summary Judgment Memo
57.	7/16/2025	Motion to Intervene of Watson & Alston
58.	7/31/2025	Suppl to Motion to Intervene of McGuiggan
59.	8/1/2025	Memo in Support of Motion to Intervene with Affidavits of Intervenors

DISCOVERY

60.	2/22/2012	ROGs, RFP & RTA served on FFC
61.	10/23/2019	FFC Answers ROGs, RFP & RTA
62.	12/30/2019	Delaney 3rd ROGs, 2nd RFP & 2nd RTA to FFC
63.	1/31/2020	FFC Answers 2nd RTA
64.	5/29/2020	FFC's Responses to 2nd RFP
65.	6/25/2020	Twombly letter to Judge Price regarding Motion to Compel
66.	7/24/2020	Delaney serves 3rd RFP to FFC
67.	7/28/2020	FFC's Amended Response to 2nd RFP and 3rd ROGs
68.	8/13/2020	Twombly email to Hines regarding discovery deficiencies
69.	8/18/2020	Hines email responding to Twombly's 8/13/2020 email
70.	8/18/2020	Twombly email responding to Hines' 8/18/2020 email

- 71. 9/4/2020 FFC's Responses to 3rd RFP
- 72. 9/11/2020 FFC's documents responsive to 2nd RFP
- 73. 9/17/2020 Twombly Rule 11 letter to Hines related to 3rd RFP
- 74. 9/24/2020 FFC's Responses to 3rd RFP
- 75. 6/10/2021 Hines emails Credex results
- 76. 9/29/2021 Twombly Rule 11 letter as to 3rd RFP & serving 4th ROGs & RFP
- 77. 3/31/2022 Hines email regarding Credex results and pending appeal
- 78. 5/27/2022 FFC Suppl Credex Search Results (Bates 20110934 0045-497)
- 79. 6/29/2022 Delaney's 4th RFP to FFC
- 80. 8/3/2022 FFC's Answers to 4th RFP
- 81. 8/21/2024 FFC's Suppl Response to 4th RFP

BANKRUPTCY PLEADINGS

- 82. 1/24/2013 Delaney Voluntary Bankruptcy Petition
- 83. 5/13/2013 Bankruptcy Order Discharge of Debtor/Trustee & Order Closing Case
- 84. 1/10/2017 Delaney's Bankruptcy Summary of Assets/Liabilities & Schedules
- 85. 6/2/2017 Bankruptcy Court Order of Dismissal for failure to Make Payments Pursuant to Settlement Agreement and Non-Compliance with Prior P-III Order of the Court
- 86. 3/12/2024 Delaney Voluntary Petition for Individuals Filing for Bankruptcy
- 87. 6/25/2024 Delaney's Bankruptcy Schedule A/B Property
- 88. 8/27/2024 Bankruptcy Case 24-50181-SCS Closed - Chapter 7 No Distribution case having been fully administered
- 89. 2024 Trustee abandoned claim (24-50181-SCS)
- 90. 12/18/2025 Order Granting Motion to Withdraw & Motion to Reopen is Withdrawn (13-00446-jd)

TRANSCRIPTS

- 91. 4/14/2021 30(b)(6) FFC Dep. Tr. pp. 85-87, 121
- 92. 9/25/2024 Van Hook Dep. Tr. pp. 150
- 93. 5/1/2025 Hearing Transcript
- 94. 7/16/2025 Hearing Transcript (Bankruptcy Case 13-00446-jd)
- 95. 8/13/2025 Hearing Transcript pp. 43-45, 49-51
- 96. 10/7/2025 Hearing Transcript (Bankruptcy Case 13-00446-jd)
- 97. 10/21/2025 Hearing Transcript
- 98. 11/5/2025 Hearing Transcript (Bankruptcy Case 13-00446-jd)
- 99. 1/9/2026 Hearing Transcript
- 100. 2/19/2026 Hearing Transcript

EXHIBITS AND OTHER MATERIALS OR DOCUMENTS

- 101. Ex. B to Mem. ISO Summ. J.
- 102. Philip Tolber Lacy Notes

I certify that the designations above contain no matter which is irrelevant to this appeal.

Respectfully Submitted,

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