

**RECEIVED**

FEB 10 2014

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**SC COURT OF APPEALS**

APPEAL FROM ANDERSON COUNTY  
Circuit Court

R. Lawton McIntosh, Circuit Court Judge

Appellate Case No. 2013-001518

Harold P. Threlkeld d/b/a Harold P.  
Threlkeld, Attorney at Law.....Plaintiff,

V.

Lyman Warehouse, LLC, Lyman Pacific, LLC,  
Mills Demolition, LLC, Susan C. Stanley,  
Peter M. Stanley and Donald J. McWhirter.....Defendants,

Of Whom Lyman Warehouse, LLC is the.....Appellant,

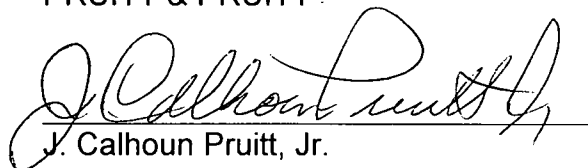
And

Of whom Donald J. McWhirter is the .....Respondent.

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

February 4, 2014

PRUITT & PRUITT



J. Calhoun Pruitt, Jr.  
101 North Murray Avenue  
Anderson, South Carolina 29625  
(864) 224-3121  
*Attorney for the Appellant*

## **Transcript of Record**

Hearing held March 6, 2013, entire transcript

## **Pleadings**

Complaint dated January 4, 2012

Defendant Lyman Warehouse's Answer and Cross-Complaint dated February 1, 2012

Defendant McWhirter's Answer & Cross Claim dated March 13, 2012

Defendants Lyman Pacific, Mills, Susan and Peter Stanley's Reply to Crossclaims of Lyman Warehouse, LLC , dated March 21, 2012

Defendants Lyman Pacific, Mills, Susan and Peter Stanley's Reply to Crossclaims of McWhirter dated March 21, 2012

Plaintiff's Reply to Answer and Cross-Claim of Defendant McWhirter, dated March 22, 2012

Defendant Lyman Warehouse's Answer to Cross-claim of Defendant McWhirter, dated April 3, 2012

Defendant Lyman Warehouse's Amended Answer to Cross-Claim of Defendant, McWhirter, dated April 18, 2012

Defendant McWhirter's Amended Answer and Counterclaim dated May 3, 2012

Defendants Lyman Pacific, Mills, Susan and Peter Stanley's Reply to Crossclaim of McWhirter, dated May 9, 2012

Lyman Warehouse's Answer to Amended Answer and Cross Claim of Defendant McWhirter, dated May 11, 2012

Defendant Lyman Warehouse's Post-Trial Brief dated March 29, 2013

Motion to Reconsider, Alter or Amend, dated May 23, 2013

Notice of Appeal, dated July 9, 2013

## **Orders**

Order dated May 7, 2013

Order Denying Motion to Reconsider dated June 6, 2013

## **Exhibits**

Defendant Lyman Warehouse Exhibit #DLW-1

Defendant Lyman Warehouse Exhibit #DLW-2

Defendant Lyman Warehouse Exhibit #DLW-3

Defendant Lyman Warehouse Exhibit #DLW-4

Defendant Lyman Warehouse Exhibit #DLW-5

Defendant Lyman Warehouse Exhibit #DLW-6

Defendant Lyman Warehouse Exhibit #DLW-7

Defendant Lyman Warehouse Exhibit #DLW-8

Defendant Lyman Warehouse Exhibit #DLW-9

Defendant McWhirter Exhibit #DM-10

Defendant McWhirter Exhibit #DM-11

Defendant McWhirter Exhibit #DM-12

Court's Exhibit #C-1 (deposition of Peter M. Stanley):

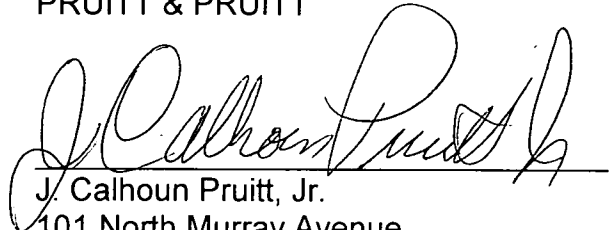
Defendant Lyman Warehouse's designations  
relative to the deposition testimony of Stanley

Defendant McWhirter's designations relative  
to the deposition testimony of Stanley

**Certificate of Counsel**

The undersigned certifies that this Designation of Matter To Be Included In  
the Record on Appeal complies with Rule 209(b), SCACR.

PRUITT & PRUITT

A handwritten signature in black ink, appearing to read "J. Calhoun Pruitt, Jr.", written over a horizontal line.

J. Calhoun Pruitt, Jr.  
101 North Murray Avenue  
Anderson, South Carolina 29625  
(864) 224-3121  
*Attorney for the Appellant*

February 4, 2014.

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY  
Circuit Court  
R. Lawton McIntosh, Circuit Court Judge

Appellate Case No. 2013-001518

Harold P. Threlkeld d/b/a Harold P.  
Threlkeld, Attorney at Law.....Plaintiff,

V.

Lyman Warehouse, LLC, Lyman Pacific, LLC,  
Mills Demolition, LLC, Susan C. Stanley,  
Peter M. Stanley and Donald J. McWhirter.....Defendants,

Of Whom Lyman Warehouse, LLC is the.....Appellant,  
And  
Of whom Donald J. McWhirter is the .....Respondent.

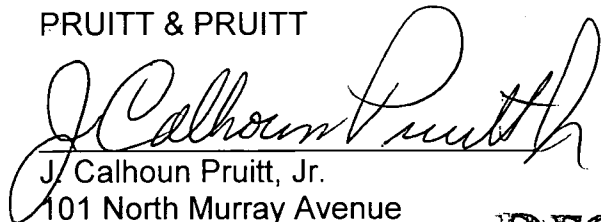
PROOF OF SERVICE

I certify that I have served the Appellant's Initial Brief and Appellant's Designation of Matter to Be Included in the Record on Appeal on the attorneys for the Respondent, Donald J. McWhirter, and upon all parties involved, by depositing copies of it in the United States Mail, postage prepaid, on February 5, 2014, addressed as follows:

(See attached list)

February 5, 2014

PRUITT & PRUITT



J. Calhoun Pruitt, Jr.

101 North Murray Avenue

Anderson, South Carolina 29625

(864) 224-3121

Attorney for the Appellant

RECEIVED

FEB 10 2014

SC Court of Appeals

**Other Counsel of Record:**

Harold P. Threlkeld  
P. O. Box 1385  
Anderson, SC 29622

Peter D. Protopapas  
Rikard & Protopapas, LLC  
P. O. Box 5640  
Columbia, SC 29250  
Attorney for Respondent, Donald J. McWhirter

J. Christopher Pracht  
Thomason & Pracht  
P.O. Box 4025  
Anderson, SC 29622  
Attorney for Respondent, Donald J. McWhirter

**Parties without counsel:**

Lyman Pacific, LLC  
155 River Place  
Suite 202  
Greenville, SC 29601

Mills Demolition, LLC  
155 River Place  
Suite 202  
Greenville, SC 29601

Susan C. Stanley  
155 River Place  
Suite 202  
Greenville, SC 29601

Peter M. Stanley  
155 River Place  
Suite 202  
Greenville, SC 29601

J. CALHOUN PRUITT (1922-2005)  
J. CALHOUN PRUITT, JR.

**PRUITT & PRUITT**  
**ATTORNEYS AT LAW, P. A.**  
101 NORTH MURRAY AVENUE  
ANDERSON, SOUTH CAROLINA 29625-4301

PHONE: (864) 224-3121  
FAX (864) 224-8711  
e-mail: calhoun@pruittandpruitt.com  
web page: www.pruittandpruitt.com

February 5, 2014

Clerk, SC Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

Re: Harold P. Threlkeld d/b/a Harold P. Threlkeld, Attorney at Law vs.  
Lyman Warehouse, LLC, Lyman Pacific, LLC, Mills Demolition, LLC,  
Susan C. Stanley, Peter M. Stanley and Donald J. McWhirter  
Appellate Case No. 2013-001518

Dear Clerk:

Enclosed for filing is our original Initial Brief of Appellant, as well as our original Designation of Matter to be Included in the Record on Appeal and our Proof of Service in the above case.

Sincerely,

PRUITT & PRUITT



J. Calhoun Pruitt, Jr.  
Attorney for Appellant

JCP, JR/dj  
Enclosures  
cc: (see attached)

**RECEIVED**

FEB 10 2014

**SC Court of Appeals**

Other Counsel of Record:

Harold P. Threlkeld  
P. O. Box 1385  
Anderson, SC 29622

Peter D. Protopapas  
Rikard & Protopapas, LLC  
P. O. Box 5640  
Columbia, SC 29250  
Attorney for Respondent, Donald J. McWhirter

J. Christopher Pracht  
Thomason & Pracht  
P.O. Box 4025  
Anderson, SC 29622  
Attorney for Respondent, Donald J. McWhirter

Parties without counsel:

Lyman Pacific, LLC  
155 River Place  
Suite 202  
Greenville, SC 29601

Mills Demolition, LLC  
155 River Place  
Suite 202  
Greenville, SC 29601

Susan C. Stanley  
155 River Place  
Suite 202  
Greenville, SC 29601

Peter M. Stanley  
155 River Place  
Suite 202  
Greenville, SC 29601