

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

Case No. 2014-000196

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APPEAL FROM OCONEE COUNTY  
Court of Common Pleas

Rivers Lawton McIntosh, Circuit Court Judge

Alexander S. Macaulay, Circuit Court Judge and Trial Judge

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Civil Action No.: 2005-CP-37-00788

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Tri-County Development, Inc. and  
Melinda Holbrooks,..... Respondents.

v.

Christopher A. Pierce,.....Appellant

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

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Appellant proposes the following to be included in the Record on Appeal:

1. Order Vacating Entry of Default Judgment, filed May 5, 2009 (as amended, filed May 29, 2009);
2. Order Filed October 14, 2009, Denying Pierce's Request to Quash Subpoena, Granting Plaintiffs' Request to Quash Subpoena, and Denying Pierce's Rule to Show Cause;

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MAY 22 2014

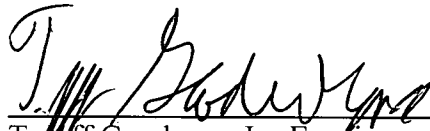
**SC Court of Appeals**

3. Order Filed November 6, 2009, Denying Pierce's Motion to Alter or Amend;
4. Order Filed August 31, 2011, Granting Plaintiffs' Motion for Summary Judgment as to liability, denying Pierce's Motion for Relief from Judgment, Motion for Summary Judgment, and Motion to Dissolve Mechanic's Lien;
5. Order Filed November 17, 2011, Denying Request for Continuance;
6. Form 4 Order filed November 30, 2011, Entering Judgment on Verdict;
7. Form 4 Order filed December 6, 2011, Denying Defendant's Motion to Reconsider Granting of Summary Judgment;
8. Order of the Honorable Alexander S. Macaulay, entering default against Jeff Gray, filed September 26, 2006;
9. Order of the Honorable J. Cordell Maddox, Jr., denying Jeff Gray's Motion to Set Aside Entry of Default filed August 4, 2008;
10. Excerpts of Trial Transcript – pp. 1-24, pp. 38-40, pp. 45-98, pp. 103-113, pp. 117-178 (November 28 and 29, 2011);
11. All trial exhibits;
12. Transcript of Motions Hearing (April 6, 2009);
13. Transcript of Motions Hearing (September 8, 2009);
14. Relevant excerpts of the transcripts of depositions of Melinda Holbrooks and Jeff Gray;
15. Contract for construction of home;
16. Mechanic's lien filing;

17. Complaint and *Lis Pendens*; Answer and Counterclaim; Amended Answer and Counterclaim
18. Letter of the Honorable R. Lawton McIntosh to parties, dated December 21, 2010.
19. Affidavit of Jeff Gray in support of his Motion to Set Aside the entry of default.
20. Order of South Carolina Court of Appeals Dismissing Appeal dated July 8, 2009
21. Motion for Summary Judgment filed by Christopher Pierce, filed March 5, 2007
22. Order of the Honorable Alexander S. Macaulay Awarding Attorneys' Fees, Filed March 26, 2013
23. Order of the Honorable Alexander S. Macaulay Denying Plaintiff's Motion for Reconsideration, Filed January 2, 2014.

Pursuant to Rule 209(c), SCACR, I certify that this Designation contains no matter which is irrelevant to the appeal.

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MAY 22 2014  
**SC Court of Appeals**

  
\_\_\_\_\_  
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Attorney for Appellant

May 20, 2014

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

Case No.: 2014-000196

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Court of Common Pleas

Rivers Lawton McIntosh, Circuit Court Judge

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Civil Action No.: 2005-CP-37-00788

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Tri-County Development and Melinda  
Holbrooks,.....Respondents.

v.

Christopher A. Pierce,.....Appellant


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**PROOF OF SERVICE**

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I certify that I have served the **Amended Initial Brief of Appellant and Appellant's Designation of Matter to Be Included in the Record on Appeal** on Thomas E. Dudley, III, Esquire, Attorney for the Respondents at the address below by depositing a copy of same in the United States Mail, postage prepaid, on May 22, 2014.

Thomas E. Dudley, III, Esquire  
Kenison, Dudley & Crawford, LLC  
704 East McBee Avenue  
Greenville, SC 29601

  
\_\_\_\_\_  
T. Jeff Goodwyn, Jr.

Rachel G. Peavy  
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Attorneys for Appellant

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May 22, 2014

MAY 22 2014

**SC Court of Appeals**

# GOODWYN LAW FIRM, LLC

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Special Counsel:  
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May 21, 2014

## VIA HAND DELIVERY

Jenny Abbott Kitchings, Clerk of Court  
The South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

RE: *Tri-County Development et. al., Jeff Gray and Melinda Holbrooks v.  
Christopher A. Pierce*  
*Civil Action No.: 2005-CP-37-00788*  
*Case No.: 2011202946*  
*Our File No.: 3500-0014*

Dear Ms. Kitchings:

Please find enclosed for filing an original and one copy of the Amended Initial Brief of Appellant and Appellant's Designation of Matter to Be Included in the Amended Record on Appeal, along with the Proof of Service, in regard to the above-referenced matter. Please return a clocked-in copy.

By copy of this letter and as evidenced by the attached Proof of Service, I am serving a copy of the Amended Initial Brief of Appellant and Appellant's Designation of Matter to Be Included in the Amended Record on Appeal on Thomas E. Dudley, III, Esquire, counsel for the Respondents.

Sincerely,



T. Jeff Goodwyn, Jr.

TJG/msb

Enclosures

cc: Thomas E. Dudley, III, Esquire  
Chris Pierce

**RECEIVED**

MAY 22 2014

**SC Court of Appeals**