

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

The Honorable Doyet A. Early, III

2012-CP-39-01554

RECEIVED

JUL - 8 2014

S.C. Supreme Court

Julie Freeman Hair,

Appellant-Respondent,

v.

J.L.H. Investments, LP, aka Hendrick Honda of Easley,

Respondent-Appellant.

**DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL OF
RESPONDENT-APPELLANT HENDRICK HONDA OF EASLEY**

Respondent-Appellant Hendrick Honda of Easley (“Hendrick”) proposes the following matter to be included in the Record on Appeal:

Orders:

1. Order Assigning Case to Judge Doyet A. Early, III (more specifically titled, “Order Establishing Case Designation for Pretrial Purposes Only), January 30, 2007.
2. Order Denying Motion to Dismiss, July 31, 2007.
3. Order Approving CarMax Settlement, October 2, 2007.
4. Order Granting Plaintiff’s Motion to Dismiss, January 31, 2008.

5. Declaratory Judgment Order, January 11, 2010.
6. Order Dismissing Appeal, July 2, 2010.
7. Order assigning cases to Judge Doyet A. Early, III, July 11, 2012.
8. Order Severing Cases for Separate Trials and Dismissing Claims for Civil Conspiracy, August 31, 2012.
9. Order Regarding Plaintiff's Motion for a Declaratory Judgment as to Defendant Hendrick Honda of Easley, December 18, 2012.
10. Order Regarding Plaintiff's Motion to Compel Discovery and Hendrick Honda of Easley's Second Amended Motion to Establish Procedural Requirements, Declare the Scope of the Plaintiff Group, and Require Plaintiff to Give Notice to the Plaintiff Group, March 20, 2013.
11. Order Denying Defendant's Revised Motion for Judgment on the Pleadings, September 5, 2013.
12. Order Denying Defendant's Motion for Summary Judgment, September 10, 2013.
13. Verdict, September 19, 2013.
14. Order Denying Motion for Judgment Notwithstanding the Verdict or New Trial Nisi Remittur, March 17, 2014.
15. Order Granting Plaintiff's Motion to Double Damages, March 17, 2014.
16. Order Denying Plaintiff's Motion for Pre-Judgment Interest, March 17, 2014.
17. Order on Motion to Reconsider, March 31, 2014.
18. Consent Order Regarding Attorneys' Fees and Costs, January 7, 2014.

Pleadings:

19. Complaint, August 29, 2006.
20. First Amended Complaint, October 28, 2006.
21. Defendants' Status Conference Memorandum Outlining Procedural Posture of Case and Background Information on Laws and Facts (Exhibit A attached), January 2007.
22. Plaintiffs' Motion Unopposed by CarMax to Certify Class For Settlement Purposes Only and for Preliminary Approval of Settlement Agreement (Settlement Agreement attached), March 26, 2007.

23. Defendants' Second Amended Motion to Dismiss for Lack of Standing, Improper Joinder, and Other Grounds and for Other Relief, June 18, 2007.
24. Plaintiffs' Motion to Dismiss, October 11, 2007.
25. Plaintiff's Notice of Motion and Motion for Declaratory Judgment, May 28, 2009.
26. Defendant's Memorandum in Opposition to Declaratory Judgment Motion and Affidavits in Support, November 16, 2009.
27. Third Amended Complaint, January 16, 2013.
28. Defendant's Second Amended Motion to Establish Procedural Requirements, Declare the Scope of the Plaintiff Group, and Require Plaintiff to Give Notice to the Plaintiff Group, February 5, 2013.
29. Defendant's Motion for Judgment on the Pleadings, August 13, 2013.
30. Defendant's Motion in Limine and for Summary Judgment or in the Alternative, for Partial Summary Judgment, August 26, 2013.
31. Amended Answer to Third Amended Complaint, September 12, 2013.
32. Defendant's Motion for Directed Verdict, September 16, 2013.
33. Defendant's Requests to Charge, September 16, 2013.
34. Defendant's Proposed Verdict Form, September, 16, 2013.
35. Defendant's Motion for Judgment Notwithstanding the Verdict, Or, In the Alternative, A New Trial or New Trial *Nisi Remittitur*, September 27, 2013.
36. Plaintiff's Motion to Double the Damages Award, September 30, 2013.
37. Plaintiff's Motion to Add Prejudgment Interest, September 30, 2013.
38. Plaintiff's Motion to Recover Attorney's Fees and Costs, September 30, 2013.
39. Defendant's Motion to Reconsider, March 31, 2014.

Transcripts:

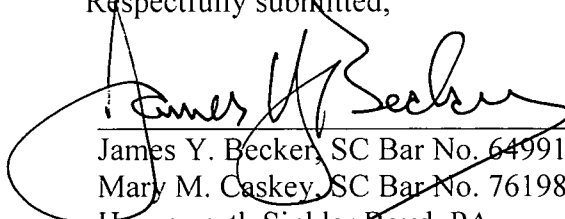
40. Hearing Transcript, November 23, 2009, pp. 46-48.
41. Trial Transcript of September 16, 2013 through September 19, 2013: pp. 13, 45-62, 95, 128-29, 158-59, 174, 182-85, 208, 221, 239-91, 312-22, 327-89, 467-75, 507-508, 510, 516, 570, 597-625, 642-44, 724-30, 741-59, 812-13, 840, 885-901, 909.

Exhibits:

42. Defendant's Trial Exhibits 1, 3-7, 11, 17-23.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James Y. Becker", is written over a horizontal line. The signature is stylized and cursive.

James Y. Becker, SC Bar No. 64991
Mary M. Caskey, SC Bar No. 76198
Haynsworth Sinkler Boyd, PA
Post Office Box 11889
Columbia, SC 29211
(803) 779-3080

Sarah P. Spruill, SC Bar No. 68337
Haynsworth Sinkler Boyd, PA
Post Office Box 2048
Greenville, SC 29602
(864) 240-3200

Marvin D. Infinger, SC Bar No. 2880
Nexsen Pruet, LLC
PO Box 486
Charleston, SC 29402
(843) 579-7834

John T. Lay, SC Bar No. 64526
Gallivan, White & Boyd, PA
1201 Main St., Ste. 1200
Columbia, SC 29201
(803) 724-1800

Attorneys for Respondent-Appellant

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PROOF OF SERVICE

I hereby certify that one copy of the Respondent-Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal in the above-referenced matter were served on the following counsel of record for Appellant-Respondent and Proposed Intervenor, in the manner indicated below, on July 8, 2014:

Terry E. Richardson, Jr., Esq.
J. David Butler, Esq.
Brady Ryan Thomas, Esq.
Richardson Patrick Westbrook & Brickman, LLC
P.O. Box 1368
Barnwell, SC 29812
trichardson@rpwb.com
dbutler@rpwb.com
bthomas@rpwb.com
(Via U.S. Mail and e-mail)

A. Camden Lewis, Esq.
James M. Griffin, Esq.
Margaret N. Fox, Esq.
Lewis, Babcock & Griffin L.L.P.
P.O. Box 11208
Columbia, SC 29211
acl@lbglegal.com
jmg@lbglegal.com
mnf@lbglegal.com
(Via e-mail only)

Gedney M. Howe, III, Esq.
Law Office of Gedney M. Howe, III, PA
P.O. Box 1034
Charleston, SC 29402
ghowe@gedneyhowe.com
(Via e-mail only)

Michael E. Spears, Esq.
Michael Spears, PA
P.O. Box 5806
Spartanburg, SC 29304
mspears@mikespearspa.com
(Via e-mail only)

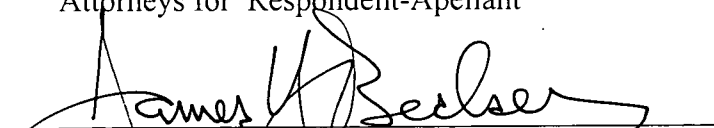
Robert L. Reibold
Walker & Reibold, LLC
P.O. Box 61140
Columbia, SC 29260
rreibold@walkerreibold.net
(Via e-mail only)

Richard A. Harpootlian, Esq.
Richard A. Harpootlian, P.A.
P.O. Box 1090
Columbia, SC 29202
rah@harpootlianlaw.com
(Via e-mail only)

J. Gregory Studemeyer
1804 Bull Street
P.O. Box 12201
Columbia, SC 29211-2201
gesquire@sc.rr.com
(Via e-mail only)

July 8, 2014

Attorneys for Respondent-Appellant

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James Y. Becker, SC Bar No. 64991
Sarah P. Spruill, SC Bar No. 68337
Mary M. Caskey, SC Bar No. 76198
Post Office Box 11889
Columbia, South Carolina 29211
(803) 779-3080