

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**  
AUG 08 2014  
**SC Court of Appeals**

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APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

The Honorable Doyet A. Early, III, Circuit Court Judge

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Case No. 12-CP-02-01772

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Coves Darden, LLC, ..... Appellant,

v.

Francisco Jose Garcia Ibañez, Dori Derr and Half Moon Stables, LLC, ..... Respondents.

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APPELLANT'S  
DESIGNATION OF MATTER  
TO BE INCLUDED IN THE  
RECORD ON APPEAL  
(Including Certificate of Counsel)

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Appellant Coves Darden, LLC designates the following pursuant to Rule 209, SCACR, and its counsel hereby certifies by his signature, that this designation contains no matter which is irrelevant to the appeal:<sup>1</sup>

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<sup>1</sup> Unless otherwise specified, all designations are without certificates of service, motion cover sheets, or civil cover sheets.

### Orders, Decrees, and Decisions

1. Order granting Plaintiff's motion to compel and request for production, dated March 19, 2013.
2. Judicial clerk's e-mail conveying determination of court re 90 more days of discovery, sent July 11, 2013.
3. Order granting summary judgment, dated December 5, 2013.
4. Form 4 order denying motion to reconsider, dated January 13, 2014.

### Pleadings

5. Coves Darden's complaint, dated July 19, 2012.
6. Defendants', Francisco Jose Garcia Ibañez, Dori Derr and Half Moon Stables, LLC, answer, dated August 27, 2012.

### Transcripts

7. Transcript of March 5, 2013 hearing, all pages.
8. Transcript of May 20, 2013 hearing, all pages.
9. Transcript of October 15, 2013 hearing, all pages.

### Exhibits and Other Materials or Documents

10. Defendants' motion for summary judgment, dated December 4, 2012.
11. Coves Darden's motion to compel and deem admitted against Defendant Half Moon Stables, dated December 6, 2012 (with attached discovery).
12. Deposition of Dori Derr, taken on January 14, 2013, pages 17-24 and 88-111.
13. Defendants' motion for summary judgment, dated January 28, 2013.
14. Coves Darden's motion to compel production and to sanction for noncooperation in appearance for deposition (including affirmation under rule 56(f)), dated January 30, 2013 (with attached discovery).
15. Coves Darden's brief in opposition to Defendants' January 28, 2013 motion for summary judgment, dated February 26, 2013.
16. Rule 56(f) affidavit of Stanton, dated February 26, 2013.
17. Defendants' memorandum in support of summary judgment, dated February 28, 2013.
18. Affidavit of Francisco Garcia (Ibañez) in support of summary judgment, dated December 10, 2012, served February 28, 2013 (with certificate of mailing).

19. Defendants' memorandum in opposition to motion to compel production and motion for sanctions, dated March 1, 2013.
20. Deposition of Francisco Jose Garcia Ibañez, taken on March 26, 2013, pp. 4-9, 16-17, 27-32, 36-41, 47-49, 50, 57-58, and 69-70.
21. Affidavit of Liberatore, dated April 23, 2013.
22. Affidavit of Coves, dated April 24, 2013 (with certificate of mailing).
23. Defendants' motion for stay of discovery; alternative motion for protective order, dated May 3, 2013.
24. Statement of non-appearance for the scheduled deposition of Diana Hunt, dated May 10, 2013, pages 3-5, and Exhibit 1.
25. Stanton discovery status affidavit, dated May 14, 2013.
26. Coves Darden's brief in opposition to Defendants' renewed motion for summary judgment, dated May 14, 2013.
27. Defendants' reply to Plaintiff's opposition to renewed motion for summary judgment, dated May 17, 2013.
28. Surreply of Plaintiff to reply of Defendants to Plaintiff's opposition to Defendants' renewed motion for summary judgment, dated May 17, 2013.
29. Supplementation/amendment to Plaintiff's response to interrogatories and requests for production, dated May 20, 2013.
30. Defendant's motion to amend answer, dated May 22, 2013.
31. Plaintiff's opposition to Defendants' Statute of Frauds argument raised for the first time at hearing, and to post-hearing submissions by Defendants, dated May 24, 2013.
32. Deposition of Half Moon with Dori Derr as designated 30(b)(6) representative, taken on October 2, 2013, pp. 3-10 and 38-60.
33. Plaintiff's status report for status conference (with draft proposed scheduling order), dated October 8, 2013.
34. Supplementation to Plaintiff's response to interrogatories, dated October 9, 2013.
35. Coves Darden's motion to compel Defendant Ibañez to answer interrogatories and respond to request for production, dated November 26, 2013 (with attachment of Plaintiff's interrogatories to Defendant Ibañez dated September 27, 2013 and Plaintiff's second request for production to Defendant Garcia y Ibañez dated October 7, 2013).
36. Coves Darden's motion to reconsider, dated December 29, 2013.

37. Defendants' memorandum opposing Plaintiff's motion for reconsideration, dated January 27, 2014.



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Coves Darden, LLC

Date: August 7, 2014

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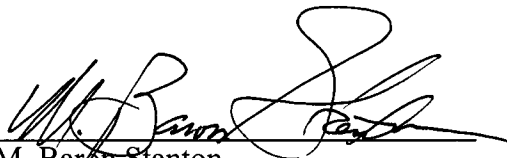
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v.  
Francisco Jose Garcia Ibañez, Dori Derr and Half Moon Stables, LLC, ..... Respondents.

CERTIFICATE OF SERVICE

I, M. Baron Stanton, do hereby certify that I have, on August 7, 2014, served the foregoing **Appellant's Designation of Matter to be Included in the Record on Appeal** upon the **Respondent** by causing a copy thereof to be mailed with proper postage to the addresses indicated below:

Thomas R. Young, Jr., Esquire  
Law Offices of Tom Young, Jr., PC  
P.O. Box 651  
Aiken SC 29802

  
M. Baron Stanton