

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM FAIRFIELD COUNTY
Court of Common Pleas

R. Knox McMahon, Circuit Court Judge

Case No. 2013-CP-20-55

Court of Appeals Case No.: 2014-001567

RECEIVED
OCT 14 2014
SC Court of Appeals

Caitlin Elisabeth Braun, Appellant

v.

The Ben Arnold Sunbelt Beverage Company of South Carolina, L.P.,
Two Heels, Inc. d/b/a State Street Pub and Sunbelt Golf Development,
Inc. d/b/a Indian River Golf Course, Defendants,

Of whom The Ben Arnold Sunbelt Beverage Company of
South Carolina, L.P. is the Respondent, Respondent,

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD OF RESPONDENT
BEN ARNOLD SUNBELT BEVERAGE COMPANY OF SOUTH CAROLINA, L.P.'S

John E. Cuttino (S.C. Bar No. 1519)
Jessica A. Waller (S.C. Bar No. 100256)
GALLIVAN, WHITE & BOYD, P.A
1201 Main Street, Suite 1200
Post Office Box 7368 (29202)
Columbia, SC 29201
Telephone: (803) 779-1833
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ATTORNEYS FOR RESPONDENT THE BEN
ARNOLD SUNBELT BEVERAGE COMPANY
OF SOUTH CAROLINA, L.P.

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

Transcripts:

1. Hearing Transcript of February 20, 2014 proceedings;¹
2. Transcript of Braun's Plea Proceeding, *State v. Braun*, 2012-GS-32-395, February 8, 2012 (pp.3-8);
3. Transcript of Braun's Sentencing Proceeding, *State v. Braun*, 2012-GS-32-395, August 7, 2012 (pp. 26-28);

Pleadings:

4. Summons and Complaint, *Devin Shumate v. Braun, et. al.*, 2011-CP-20-301, July 28, 2011;
5. Summons and Complaint, *Devin Shumate, as PR for Gabriella Shumate's Estate v. Braun, et. al.*, 2011-CP-20-302, July 28, 2011;
6. Answer of Braun in 2011-CP-20-301, August 7, 2011;
7. Answer of Braun in 2011-CP-20-301, August 7, 2011;
8. Summons and Complaint, *Braun v. Ben Arnold, et. al.*, 2013-CP-20-55, February 7, 2013;
9. Answer of Ben Arnold, *Braun v. Ben Arnold, et. al.*, 2013-CP-20-55, April 1, 2013;

Motions:

10. Ben Arnold's Motion to Dismiss the Appeal and Memorandum in Support, July 28, 2014;
11. Braun's Notice of Appeal, July 18, 2014;

¹ Pursuant to Rule 207, Appellant is required to order a transcript of the proceedings below. Appellant has failed to order the transcript and failed to designate the transcript as a matter to be included in the record on appeal. Without the transcript, this Court will be hindered in properly reviewing and analyzing the arguments made below in the circuit court. *See Henning v. Kaye*, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992) (noting "the South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State" and "[i]t is incumbent upon counsel to provide material that complies with the Rules and facilitates appellate review").

12. Ben Arnold's Memorandum in Support of the Joint Motion for Summary Judgment, including Exhibits, February 19, 2014
13. Joint Motion for Summary Judgment, October 4, 2013;
14. Ben Arnold's Memorandum in Opposition to Braun's Motion for Reconsideration. May 30, 2014;

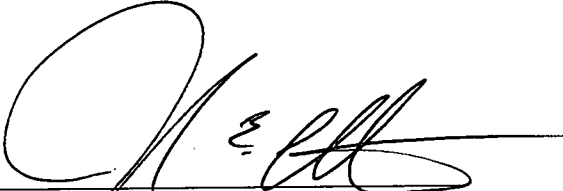
Orders:

15. Order Granting Ben Arnold Summary Judgment, April 25, 2014;
16. Order Denying Braun's Motion for Reconsideration, June 2, 2014;
17. Order Denying Ben Arnold's Motion to Dismiss the Appeal, September 11, 2014;
18. Order Approving Settlement in Shumate Matter, June 15, 2012

Other:

19. Evidence of Service from Fairfield County Clerk of Court's Office, June 2, 2014;
20. Affidavit of John Cuttino Filed in Support of Ben Arnold's Motion to Dismiss the Appeal, July 28, 2014.

Pursuant to Rule 209(c), counsel for Respondent certifies that this Designation contains no matter that is irrelevant to this appeal.



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v.

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Two Heels, Inc. d/b/a State Street Pub and Sunbelt Golf Development,
Inc. d/b/a Indian River golf Course, Defendants,


Of whom The Ben Arnold Sunbelt Beverage Company of
South Carolina, L.P. is the Respondent, Respondent,

PROOF OF SERVICE

I certify that I have served Initial Brief of Respondent Ben Arnold Sunbelt Beverage Company of South Carolina, L.P., Designation of Matter to be Included in the Record of Respondent Ben Arnold Sunbelt Beverage Company of South Carolina, L.P., and Certificate of Compliance on Caitlin Elisabeth Braun by depositing a copy of the same in the United States Mail, postage prepaid, addressed to the following:

H. Ronald Stanley
Post Office Box 7722
Columbia, South Carolina 29202

Jerry Leo Finney
2117 Park Street
Columbia, South Carolina 29201



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BEN ARNOLD SUNBELT BEVERAGE
COMPANY OF SOUTH CAROLINA, L.P.

October 14, 2014



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VIA HAND DELIVERY

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

Re: *Caitlin Elisabeth Braun vs. The Ben Arnold Sunbelt Beverage Company of South Carolina*
Court of Appeals Case No.: 2014-001567
Case No.: 2013-CP-20-55

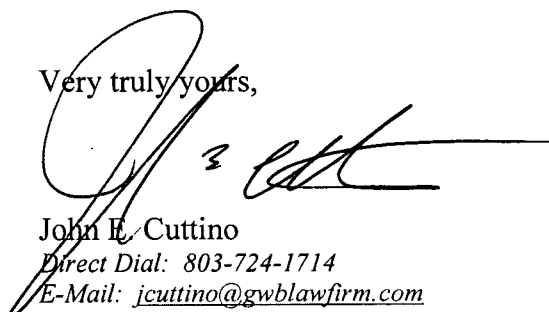
Dear Ms. Kitchings:

Please find enclosed the original and six copies of Initial Brief of Respondent Ben Arnold Sunbelt Beverage Company of South Carolina, L.P., Designation of Matter to be Included in the Record of Respondent Ben Arnold Sunbelt Beverage Company of South Carolina, L.P. and Certificate of Compliance. Because the Brief's due date was October 11, a Saturday, and Monday, October 13 was Columbus Day, we are filing these documents on the first day which is neither a Saturday, Sunday, or federal or state holiday pursuant to Rule 263, SCACR. Please file these documents and return clocked copies to this office via our courier.

By copy of this letter, and as evidenced on the attached Proof of Service, I am serving counsel of record with the same.

With kind regards, I remain

Very truly yours,



John E. Cuttino
Direct Dial: 803-724-1714
E-Mail: jcuttino@gwblawfirm.com

JEC/kle

cc: H. Ronald Stanley, Esq.
Jerry Leo Finney, Esq.