

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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OCT 29 2014

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

SC Court of Appeals

Donald B. Hocker, Circuit Court Judge
Trial Court Case No. 2014-CP-36-00109

Appellate Case No. 2014-001215

Larry E. Koon and Allen Lee Koon, by and through his
attorney in fact, Larry E. Koon,

Respondents,

v.

Thomas Jackson Construction Inc.,

Appellant.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Respondents propose the following be included in the Record on Appeal:

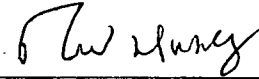
1. Court File in original action, in its entirety;
2. Summons and Complaint in present action;
3. Answer, Defenses and Counterclaim in present action;
4. Defendant's Motion to Dismiss in present action;
5. Motion for Summary Judgment in present action;
6. Affidavit of Allen Lee Koon in present action;
7. Affidavit of Larry Eugene Koon in present action;
8. Affidavit of Samuel M. Price, Jr. in present action;
9. Memorandum in Opposition to Plaintiff's Motion for Summary Judgment in present action;

7. Brief in Opposition to Motion to Dismiss and in Support of Motion for Summary Judgment in present action;
8. Plaintiff's reply to Defendants' Memorandum in Opposition to Motion for Summary Judgment;
9. Final Order in present action;
10. Transcript of Hearing in present action;

Furthermore, Respondents object to the inclusion in the Record on Appeal of Appellant's Designation number 16, "Memo Containing Judge Hocker's Ruling," on the grounds that it was not presented to the lower court, as required by Rule 210(c), SCACR, and it is not relevant to the issues on appeal.

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


Respectfully submitted,



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ATTORNEYS FOR RESPONDENTS

10/28, 2014 

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Larry E. Koon and Allen Lee Koon, by and through his
attorney in fact, Larry E. Koon,

Respondents,

v.

Thomas Jackson Construction Inc.,

Appellant.

PROOF OF SERVICE

I certify that I have served the Initial Brief of Respondents on Thomas Jackson Construction Co. by depositing a copy of the Initial Brief of Respondents in the United States Mail, postage prepaid, on October 29, 2014, addressed to the attorney of record for Appellant, Mindy W. Zimmerman, Esquire, P.O. Box 1207, Newberry, S.C. 29108.



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October 29, 2014

VIA HAND DELIVERY

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

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SC Court of Appeals

RE: Larry E. Koon and Allen Lee Koon by and through his attorney in fact, Larry E.
Koon v. Thomas Jackson Construction Inc.
Case No. 2014-001215
Our File No. 2014-080

Dear Ms. Kitchings:

Enclosed you will find the original and two copies of the Initial Brief of Respondents, Designation of Matter to be Included in the Record on Appeal, and Proof of Service in the above-referenced matter. We respectfully ask that you file the original, returning two clocked-in copies to us via our courier.

By copy of this letter to Appellant's counsel, we are hereby serving them with copies of these documents.

Thank you for your time and attention to this matter.

Very truly yours,



Jennifer Dowd Nichols

RWD:rdb

Enclosures

cc: Mindy Zimmerman (w/ encl.)