

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JAN 28 2015

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

SC Court of Appeals

James B. Jackson, Jr., Special Circuit Judge

Common Pleas Case Nos. 2007-CP-38-196 & 2007-CP-38-201
Appellate Case No. 2014-001634

First Citizens Bank and Trust Company,.....Appellant/Respondent,

v.

Clyde B. Livingston; Technico Marketing & Distribution, Inc.; B. Livingston and
Charlotte V. Livingston; American First Federal Inc.; Citibank South Dakota, N.A.;
Branch Banking and Trust Company of South Carolina; G&G Rentals; Miller
Communications, Inc.; and Wells Fargo Bank, N.A., Defendants,

Of Clyde B. Livingston is the.....Respondent/Appellant.

And

First Citizens Bank and Trust Company,.....Appellant/Respondent,

v.

Clyde B. Livingston; American First Federal Inc.; Citibank South Dakota, N.A.;
Branch Banking and Trust Company of South Carolina; G&G Rentals; Miller
Communications, Inc.; and Wells Fargo Bank, N.A., Defendants,

Of Clyde B. Livingston is the.....Respondent/Appellant.

RESPONDENT/APPELLANT'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Respondent/Appellant proposes the following to be included in the Record on
Appeal (any designated matter includes the applicable material from both the 2007-
CP-38-196 and 2007-CP-38-201 actions):

1. Order of Judge Jackson on motions for summary judgment and to strike jury demand;
2. Order of Judge Jackson on motions to reconsider;
3. Orders amending captions;
4. Order of Judge Goodstein granting summary judgment in part and denying summary judgment in part;
5. Summons and complaint and all amended complaints;
6. All answers and answers and counterclaims of Respondent/Appellant;
7. All of Appellant/Respondent's motions for summary judgment;
8. Respondent/Appellant's motion to reconsider Judge Jackson's grant of summary judgment on the Unfair Trade Practices claim, with its supporting memorandum;
9. Appellant/Respondent's post-hearing submission to Judge Jackson;
10. Respondent/Appellant's response to Appellant/Respondent's post-hearing submission to Judge Jackson;
11. All affidavits of Respondent/Appellant;
12. Transcript of deposition of Clyde Livingston (with exhibits 11, 17, 18, and 19);
13. Transcript of deposition of Samuel F. Reid, Jr., Esquire;
14. Transcript of deposition of Linda O'Dell; and
15. Transcript of hearing held before Judge Jackson on Appellant/Respondent's motions for summary judgment and to strike jury demand; and
16. Transcript of hearing held before Judge Jackson on motions to reconsider.

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

Respectfully submitted,



Andrew S. Radeker
Harrison & Radeker, P.A.
Post Office Box 50143
Columbia, South Carolina 29250
(803) 779-2211
Attorney for Respondent/Appellant

January 28, 2015

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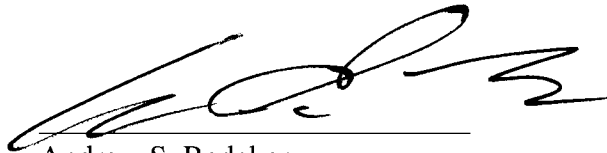
Of Clyde B. Livingston is the.....Respondent/Appellant.

PROOF OF SERVICE

I certify that I served the foregoing Respondent/Appellant's designation of matter to be included in the record on appeal by depositing a copy of it on the date shown below in the United States Mail, postage prepaid, addressed as follows:

A. Mattison Bogan, Esq.
Erik T. Norton, Esq.
Tara C. Sullivan, Esq.
Nelson Mullins Riley & Scarborough LLP
P.O. Box 11070
Columbia, SC 29201

January 28, 2015

A handwritten signature in black ink, appearing to read "Andrew S. Radeker", written over a horizontal line.

Andrew S. Radeker
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Post Office Box 50143
Columbia, South Carolina 29250
(803) 779-2211
Attorney for Respondent/Appellant

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January 28, 2015

VIA HAND DELIVERY

The Hon. Jenny Abbott Kitchings
Clerk of Court, Court of Appeals of South Carolina
Edgar Brown Building
1205 Pendleton Street
Columbia, South Carolina 29201

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SC Court of Appeals

Re: First Citizens Bank, etc. v. Clyde B. Livingston, et al.
Appellate Case No. 2014-001634

Dear Ms. Kitchings:

Enclosed herewith for filing in the above-referenced case are an original and one copy of Respondent/Appellant's initial (appellant's) brief and designation of matter to be included in the record on appeal, with attached proof of service thereof.

Kindly file these documents and return a file-stamped copy to this office in the stamped and addressed envelope enclosed. Of course, if you or your staff have any questions or concerns, please do not hesitate to contact me.

With kind regards, I am,

Very truly yours,
HARRISON & RADEKER, P.A.



Andrew S. Radeker

ASR/

Enclosures

cc: A. Mattison Bogan, Esq.
Erik T. Norton, Esq.
Tara C. Sullivan, Esq.