

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

James B. Jackson, Jr., Special Circuit Judge

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MAY 18 2015

SC Court of Appeals

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 WITH
RESPONDENT'S BRIEF
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. Orders amending captions;
3. Consent orders filed November 7, 2007;
4. Orders of Judge Burgdorf filed December 14, 2007, on motions to amend, etc.;
5. Summons and complaint and all amended complaints;
6. All answers and answers and counterclaims of Respondent/Appellant; and
7. Appellant/Respondent's motions to strike jury demand and refer.

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

May 13, 2015

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And

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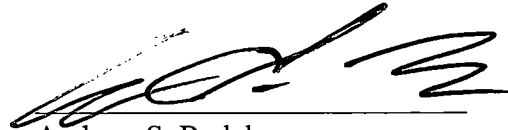
Of Clyde B. Livingston is the.....Respondent/Appellant.

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

May 13, 2015



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Attorney for Respondent/Appellant

LAW OFFICES
HARRISON & RADEKER, P.A.
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SC Court of Appeals
P.O. Box 50143
Columbia, SC 29240

James C. Harrison, Jr.*
Andrew S. Radeker
Taylor M. Smith IV

* Mediator/Arbitrator

(803) 779-2211
(803) 779-6700 (FAX)

May 13, 2015

VIA U.S. MAIL

The Hon. Jenny Abbott Kitchings
Clerk of Court, Court of Appeals of South Carolina
P.O. Box 11629
Columbia, SC 29211

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 respondent's brief and accompanying designation of matter to be included in 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.

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