

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Case No. 2008-CP-23-3665

RECEIVED
JUN 08 2015
SC Court of Appeals

William. F. Tomz and Francis W. Tomz, Individually and as Class Representatives,
..... Respondents,

v.

Capital Investment Funding, LLC, and Arthur M. Field, Defendants
Of Whom Arthur M. Field is the Appellant.

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

Appellant Arthur M. Field proposes the following matter to be included in the Record on
Appeal:

Orders

1. Mediated Global Settlement Agreement and Order Approving Settlement, dated August 24, 2009.
2. Order Compelling Production of Documents, Records, Property and Things, dated June 29, 2010.
3. Order dated October 10, 2011.
4. Order and Rule to Show Cause, dated June 7, 2012.
5. Order and Rule to Show Cause, dated April 3, 2013.
6. Order and Rule to Show Cause, dated August 19, 2013.

7. Order of Contempt and denial of Appellant's Motion to Quash the Rule to Show Cause, dated October 1, 2013.

8. Order denying Appellant's Motion to Alter or Amend, dated November 7, 2013.

9. Order of South Carolina Court of Appeals filed July 18, 2014, remanding to lower court to reconstruct the record.

10. Order dated February 2, 2015, regarding remand to reconstruct the Record.

Pleadings

11. Motion to Recuse, dated June 13, 2012.

12. Appellant's Motion for a Continuance, dated September 12, 2013, which was orally denied on September 17, 2013.

13. Appellant's Motion to Quash the Rule to Show Cause, dated September 12, 2013.

14. Response to Judge's Oral Order of September 17, 2013, dated September 20, 2013.

15. Appellant's Return to Order and Rule to Show Cause, dated September 17, 2013 [and including Tab 7, Service Agreement dated May 22, 2009, between CIF and Empire Document Service].

16. Appellant's Motion to Alter or Amend, dated October 14, 2013.

Transcripts

17. Corrected Transcript of Record from Hearing of September 17, 2013 [all pages].

Exhibits

18. Request for Production of Records served on Appellant, dated November 28, 2011.

19. Receiver's November 12, 2009, Report to Note Holders.

20. June 24, 2010, Status Conference before the Lower Court.

21. Receiver's January 26, 2011, Report to Note Holders.

22. Receiver's January 15, 2012, Report to Note Holders.

23. Affidavit of Service, dated August 22, 2013, in Case No. 2008-CP-23-3665.

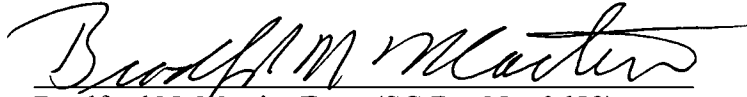
24. Affidavit of Carl Stanley, dated September 12, 2013.
25. Affidavit of Arthur Field, dated September 12, 2013.
26. Affidavit of Jerry Saad, dated August 19, 2013.
27. Appellant (marked "Defendant") Exhibit 1, Contempt Hearing of September 17, 2013.
28. Appellant (marked "Defendant") Exhibit 2, Contempt Hearing of September 17, 2013.
29. Appellant (marked "Defendant") Exhibit 4, Contempt Hearing of September 17, 2013.
30. Appellant (marked "Defendant") Exhibit 5, Contempt Hearing of September 17, 2013.
31. Appellant (marked "Defendant") Exhibit 6, Contempt Hearing of September 17, 2013 [including Report of Arthur Field, dated July 25, 2008, and Report of Arthur Field, dated January 29, 2009, and including pages marked Exhibit A-2 and Exhibit A-3 as filed with Clerk of Court].
32. Appellant (marked "Defendant") Exhibit 7, Contempt Hearing of September 17, 2013 [including pages marked F-54 through F-59 as filed with Clerk of Court].
33. Appellant Exhibit F, Hearing to Reconstruct Record of October 27, 2014 [Affidavit of Arthur Field].
34. Appellant Exhibit G, Hearing to Reconstruct Record of October 27, 2014 [Affidavit of Richard A. Lackey].
35. Appellant Exhibit H, Hearing to Reconstruct Record of October 27, 2014 [Affidavit of Evangelos C. Orfanedes].
36. Appellant Exhibit I, Hearing to Reconstruct Record of October 27, 2014 [Affidavit of Henry C. Van Dyke].
37. Affidavit of Timothy Kelley, dated September 20, 2013.
38. Email from Curt Stodghill to Arthur Field, dated January 9, 2012.
39. Order of Dismissal and Rider to Order, dated February 15, 2013 from the Superior Court of New Jersey, Law Division – Bergen County, Docket No. BER-L-3790-12.

40. Respondent's Exhibit 1 (marked "Court's Exhibit 1"), Contempt Hearing dated September 17, 2013, Tab Number 9, letter from Arthur Field to Christopher Westrick.

41. Appellant's Notice of Appeal filed December 9, 2013.

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

Date: June 4, 2015



Bradford N. Martin, Esq. (SC Bar No. 3658)

Laura W. H. Teer, Esq. (SC Bar No. 16698)

Bradford Neal Martin & Associates, P.A.

Post Office Box 10410

Greenville, South Carolina 29603

(864) 552-9990

Attorneys for Appellant Arthur M. Field

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Case No. 2008-CP-23-3665

RECEIVED

JUN 08 2015

SC Court of Appeals

William. F. Tomz and Francis W. Tomz, Individually and as Class Representatives,
..... Respondents.

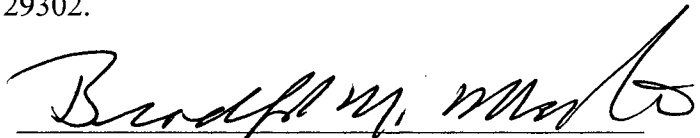
v.

Capital Investment Funding, LLC, and Arthur M. Field, Defendants
Of Whom Arthur M. Field is the Appellant.

PROOF OF SERVICE

I certify that I have served the Initial Brief of Appellant and Appellant's Designation of Matter to be Included in the Record on Appeal by depositing a copy in the U.S. Mail, postage prepaid, on June 4, 2015, addressed to Respondent's attorneys, Stanley T. Case, Esq., P.O. Drawer 451, Spartanburg, SC 29304 and George Brandt, III, Esq., Henderson Brandt & Vieth, P.A., 360 E. Henry Street, Spartanburg, SC 29302.

June 4, 2015



Bradford N. Martin, SC Bar #3658

Laura W. H. Teer, SC Bar #16698

Brook Bristow, SC Bar # 76038

BRADFORD NEAL MARTIN & ASSOCIATES, PA

Post Office Box 10410

Greenville, South Carolina 29603

864.552.9990

Attorneys for Appellant Arthur M. Field

BRADFORD NEAL MARTIN & ASSOCIATES, PA

ATTORNEYS AT LAW

201 West McBee Avenue, Suite 302
Post Office Box 10410 (29603)
Greenville, South Carolina 29601

bmartin@bnmlaw.com
Phone: (864) 552-9990
FAX: (864) 552-9992

June 4, 2015

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

Re: *William F. Tomz v. Capital Funding, et al*
C/A No.: 2008-CP-23-3665
Tracking No. 2013-002676

RECEIVED

JUN 08 2015

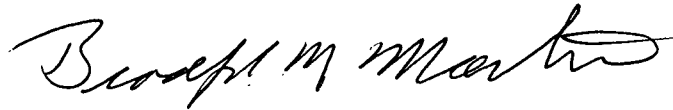
SC Court of Appeals

Dear Ms. Kitchings:

Enclosed for filing is an original and one copy of the Initial Brief of Appellant and Appellant's Designation of Matter to be Included in the Record on Appeal and a Proof of Service in the above captioned matter. Please file the original with your Court and return a clocked copy to me in the enclosed envelope.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

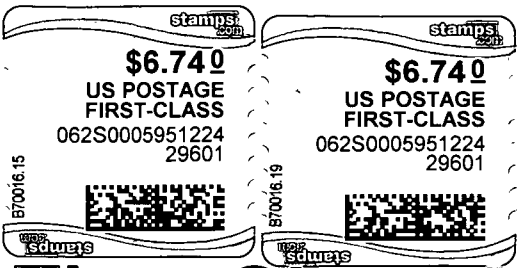
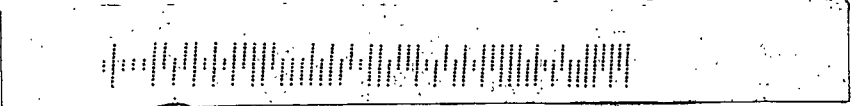
Sincerely,



Bradford N. Martin

/pm
Enclosures

cc: George Brandt, Esq.
Stan Case, Esq.



First Class Mail

BRADFORD NEAL MARTIN & ASSOCIATES, PA
 201 WEST MCBEE AVE., SUITE 302
 P.O. BOX 10410 (29603)
 GREENVILLE, SC 29601

TO:

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

RECEIVED
 JUN 08 2015
 SC Court of Appeals

