

**STATE OF SOUTH CAROLINA
IN THE
COURT OF APPEALS**

Appeal from the Court of Common Pleas
For Charleston County
Honorable J. C. Nicholson, Jr., Circuit Judge
Civil Action No.: 2011-CP-10-8840

Frank Gordon, Jr., Individually and as Trustee
of the Dorothy S. Gordon (Deceased) Trust,

Respondent.

v.

Donald W. Lancaster,

Appellant.

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

COMES NOW the Respondent, Frank Gordon, Jr., Individually and as Trustee of the Dorothy S. Gordon (Deceased) Trust, pursuant to Rule 208 of the South Carolina Appellate Court Rules and designates the following to be included in the Record of Appeal:

I. Orders

Case Nos. 2010-CP-10-9096; 2011-CP-10-8840

1. Order Compelling Discovery & Denying Partial Summary Judgment, June 5, 2012
2. Order & Judgment, August 19, 2013
3. Judgment In A Civil Case for Gordon, Form 4, August 19, 2013
4. Judgment In A Civil Case Denying Defendant's Motion to Reconsider, Form 4, May 9, 2014
5. Judgment In A Civil Case Denying Defendant's Motion to Reconsider & Amend, Form 4, May 21, 2014

Case No. 99-CP-10-1407

6. Order Granting Judgment in Favor of Plaintiff, December 5, 2001
7. Order Awarding Plaintiff's Attorney's Fees, March 15, 2002
8. Order Awarding Plaintiff's Appellate Fees & Expenses, September 28, 2005
9. Order for Supplemental Proceedings August 2, 2006
10. Master's Supplemental Proceedings Order September 28, 2006

II. Pleadings

Case Nos. 2010-CP-10-9096; 2011-CP-10-8840

1. Summons & Complaint November 2, 2010
2. Amended Summons & Complaint November 30, 2010
3. Plaintiff's Motion to Take Judicial Notice of Adjudicative Facts June 7, 2013
4. Plaintiff's Rule 16(c) Pre Trial Brief June 7, 2013 Plaintiff's Designation for Publication of May 14, 2011 Deposition of Jessie Atkinson and Referenced Pages June 12, 2013
5. Plaintiff's Designation for Publication of September 26, 2006 Hearing Transcript and Referenced Pages June 12, 2013
6. 2nd Amended Summons & Complaint, June 12, 2013.

Case No. 1999-CP-10-1407

7. Summons & Complaint, April 16, 1999

III. Evidence

1. Trial Transcript Vol. I, pp.: 8-12, 22-31, 34, 36, 39-43, 45-59, 62-65, 67, 70-72, 74-75, 81-86, 88-92, 96, 99-100, 113-117, 119, 121-140, 143, 144-145, 149-151, 153-154, 157, 160-162, 170-171, 181-182, 192, 211-214,
2. Trial Transcript Vol. II, pp.: 289-293, 245-287, 294-295
3. Trial Exhibits
Plaintiff's Exhibits: 2, 3, 5-7, 9-14, 19, 21-25, 27-28, 41-45, 47 - 49, 50, 52-60, 62-70, 72, 74, 77, 81-82
Defendant's Exhibits: 5-8, 10-12
4. Transcript of Supplemental Proceeding, September 26, 2006

5. Depositions: None

Pursuant to Rule 208(c), SCACR, the undersigned, Justin O'Toole Lucey, Esquire, certifies that this Designation of Record on Appeal contains no matter which is irrelevant to this appeal.

Respectfully Submitted,



Justin O'Toole Lucey, Esquire
SC Bar No. 15348
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Attorneys for the Respondent

STATE OF SOUTH CAROLINA
IN THE
COURT OF APPEALS

Appeal from the Court of Common Pleas
For Charleston County
Honorable J. C. Nicholson, Jr., Circuit Judge
Civil Action Nos.: 2010-CP-10-9096
And 2011-CP-10-8840

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SC Court of Appeals

Frank Gordon, Jr., Individually and as Trustee
of the Dorothy S. Gordon (Deceased) Trust,

Respondent.

v.

Donald W. Lancaster,

Appellant.

**Proof of Service for Initial Brief
and Designation of Matter**

Justin O'Toole Lucey, Esquire
SC Bar No.: 15438
Stephanie L. Drawdy, Esquire
JUSTIN O'TOOLE LUCEY, P.A.
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Attorneys for the Respondent

I, Justin O'Toole Lucey, Esquire, hereby certify that on June 26, 2015, I served a copy of the *Respondent's Initial Brief and DOM* submitted by the Respondent, Frank Gordon, Jr., Individually and as Trustee of the Dorothy S. Gordon (Deceased) Trust, on counsel for Appellant, Donald W. Lancaster, via the United States Mail, postage pre-paid, and addressed as follows:

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Attorney for the Appellant

Signed: 
Justin O'Toole Lucey, Esquire

Mount Pleasant, SC
June 26, 2015

JUSTIN O'TOOLE LUCEY, PA

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Justin Lucey
Joshua F. Evans
Stephanie D. Drawdy
Dabny Lynn
James L. Floyd, III

Reply to:
P.O. Box 806
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June 26, 2015

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SC Court of Appeals

BY REGULAR MAIL

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

Re: *Frank Gordon, Jr., Individually and as Trustee of the Dorothy S. Gordon (Deceased) Trust v Donald W. Lancaster*

Appeal from the Charleston County, Court of Common Pleas

Case Action No.: 2011-CP-10-8840

Appellate Case Tracking No.: 2014-001247

Case Action No.: 2010-CP-10-9096

Appellate Case Tracking No.: 2014-001763

(Consolidated Cases)

Dear Ms. Kitchings:

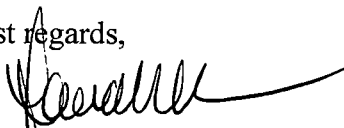
Enclosed please find the original and one copy of the following documents in the above-referenced consolidated appellate matters which are being submitted on behalf of the Respondent Frank Gordon, Jr., Individually and as Trustee of the Dorothy S. Gordon (Deceased) Trust:

1. *Initial Brief of the Respondent;*
2. *Respondent's Designation of Matter to be Included in the Record on Appeal; and*
3. *Respondent's Proof of Service.*

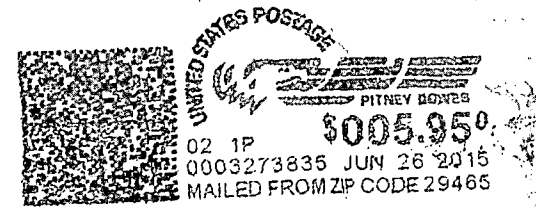
I would greatly appreciate you filing these pleadings with the Court of Appeals and returning a date stamped copy of each to my attention in the enclosed self-addressed, stamped envelope.

If you need anything else or I otherwise may be of any assistance to you or to the Court of Appeals regarding this matter, please feel free to contact me.

Best regards,



Laura W. Knight



JUSTIN O'TOOLE LUCEY, PA

ATTORNEYS AT LAW

415 MILL STREET • P.O. BOX 806 • MT. PLEASANT, SC 29465-0806

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SC Court of Appeals

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