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S.C. Supreme Court

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM GREENVILLE COUNTY
In the Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Appellate Case No. 2014-002638

Francis P. Maybank and Jane H.P. Maybank, as Trustee for the
Francis P. Maybank Family Insurance Trust, Plaintiffs,

Of whom Francis P. Maybank is theRespondent-Appellant,

v.

BB&T Corporation, Branch Banking and Trust Company,
Successor in merger to Branch Banking and Trust Company of SC,
and Sterling Capital Management, LLC, *Successor in merger to*
BB&T Asset Management, LLC,Appellants-Respondents.

**Respondent-Appellant Francis P. Maybank's
Initial Designation of Matter to be Included in the Record on Appeal**

Pursuant to Rule 209, of the South Carolina Appellate Court Rules (SCACR),
Respondent-Appellant Francis P. Maybank designates the following to be included in the
Record on Appeal on the cross-appealed issue of prejudgment interest:

1. Original Complaint, filed December 22, 2011
2. BB&T Notice of Removal, filed January 23, 2012 March 6, 2014
3. Order of Remanding case to state court, filed August 3, 2012
4. Joint Motion for Case Assignment to Business Court, filed December 10,
2012

5. Order Assigning Case to Business Court, filed February 13, 2013
6. Amended Scheduling Order of Judge Miller, filed January 10, 2014
7. BB&T 1st Motion for Summary Judgment (Securities Act Claims), filed May 7, 2014
8. BB&T 2nd Motion for Summary Judgment (Claim for Punitive Damages), filed May 7, 2014
9. BB&T 3rd Motion for Summary Judgment (Insurance Trust Claims), filed May 7, 2014
10. BB&T 4th Motion for Summary Judgment (Tax Damages Claims), filed May 7, 2014
11. BB&T 5th Motion for Summary Judgment (Managed Portfolio Damages), filed May 7, 2014
12. BB&T 6th Motion for Summary Judgment (Claims against BB&T Corporation), filed May 7, 2014
13. BB&T 7th Motion for Summary Judgment (Claims under SC Unfair Trade Practices Act), filed May 7, 2014
14. BB&T 8th Motion for Summary Judgment (Claim for Breach of Contract Accompanied by a Fraudulent Act), filed May 7, 2014
15. BB&T 9th Motion for Summary Judgment (Claims against individual Defendant Ross Walters), filed May 7, 2014
16. BB&T 10^h Motion for Summary Judgment (Claims against individual Defendant Anthony Mahfood), filed May 7, 2014
17. Maybank Motion for Summary Judgment, filed May 7, 2014

18. Maybank Memorandum in Opposition to BB&T 1st Motion for Summary Judgment (Securities Act Claims), filed May 22, 2014
19. Maybank Memorandum in Opposition to BB&T 2nd Motion for Summary Judgment (Claim for Punitive Damages), filed May 22, 2014
20. Maybank Memorandum in Opposition to BB&T 3rd Motion for Summary Judgment (Insurance Trust Claims), filed May 22, 2014
21. Maybank Memorandum in Opposition to BB&T 4th Motion for Summary Judgment (Tax Damages Claims), filed May 22, 2014
22. Maybank Memorandum in Opposition to BB&T 5th Motion for Summary Judgment (Managed Portfolio Damages), filed May 22, 2014
23. Maybank Memorandum in Opposition to BB&T 6th Motion for Summary Judgment (Claims against BB&T Corporation), filed May 22, 2014
24. Maybank Memorandum in Opposition to BB&T 7th Motion for Summary Judgment (Claims under SC Unfair Trade Practices Act), filed May 22, 2014
25. Maybank Memorandum in Opposition to BB&T 8th Motion for Summary Judgment (Claim for Breach of Contract Accompanied by a Fraudulent Act), filed May 22, 2014
26. Maybank Memorandum in Opposition to BB&T 9th Motion for Summary Judgment (Claims against individual Defendant Ross Walters), filed May 22, 2014

27. Maybank Memorandum in Opposition to BB&T 10^h Motion for Summary Judgment (Claims against individual Defendant Anthony Mahfood), filed May 22, 2014
28. Second Amended Complaint, filed May 22, 2014
29. BB&T Supplemental filing in Opposition to Maybank Motion for Summary Judgment, filed May 23, 2014
30. BB&T Reply in Support of 1st Motion for Summary Judgment (Securities Act Claims), filed May 27, 2014
31. BB&T Reply in Support of 2nd Motion for Summary Judgment (Claim for Punitive Damages), filed May 27, 2014
32. BB&T Reply in Support of 3rd Motion for Summary Judgment (Insurance Trust Claims), filed May 27, 2014
33. BB&T Reply in Support of 4th Motion for Summary Judgment (Tax Damages Claims), filed May 27, 2014
34. BB&T Reply in Support of 5th Motion for Summary Judgment (Managed Portfolio Damages), filed May 27, 2014
35. BB&T Reply in Support of 6th Motion for Summary Judgment (Claims against BB&T Corporation), filed May 27, 2014
36. BB&T Reply in Support of 7th Motion for Summary Judgment (Claims under SC Unfair Trade Practices Act), filed May 27, 2014
37. BB&T Reply in Support of 8th Motion for Summary Judgment (Claim for Breach of Contract Accompanied by a Fraudulent Act), filed May 27, 2014

38. BB&T Reply in Support of 9th Motion for Summary Judgment (Claims against individual Defendant Ross Walters), filed May 27, 2014
39. BB&T Reply in Support of 10^h Motion for Summary Judgment (Claims against individual Defendant Anthony Mahfood), filed May 27, 2014
40. Maybank Reply in Support of Motion for Summary Judgment, filed May 27, 2014
41. BB&T Motion *in limine* to Exclude Evidence of BB&T Public Comments, filed June 3, 2014
42. BB&T Motion *in limine* to Exclude Evidence of BB&T's Finances, filed June 3, 2014
43. BB&T Motion *in limine* to Exclude Evidence of New York Stock Exchange Rule 312, filed June 3, 2014
44. BB&T Motion *in limine* to Exclude Maybank Expert Witness Professor John Freeman's Expert Report, filed June 3, 2014
45. BB&T Motion *in limine* to Exclude Evidence of BB&T Asset Management's Policies and Procedures, filed June 4, 2014
46. BB&T Motion *in limine* to Exclude Evidence of that BB&T Asset Management was not registered as a broker-dealer, filed June 4, 2014
47. BB&T Motion *in limine* to Exclude Reference to Drexel Burnham, filed June 4, 2014
48. BB&T Answer to Second Amended Complaint, filed June 6, 2014
49. Maybank Memorandum in Opposition to BB&T Motion *in limine* to Exclude Evidence of BB&T Public Comments, filed June 16, 2014

50. Maybank Memorandum in Opposition to BB&T Motion *in limine* to Exclude Evidence of BB&T's Finances, filed June 16, 2014
51. Maybank Memorandum in Opposition to BB&T Motion *in limine* to Exclude Evidence of New York Stock Exchange Rule 312, filed June 16, 2014
52. Maybank Memorandum in Opposition to BB&T Motion *in limine* to Exclude Maybank Expert Witness Professor John Freeman's Expert Report, filed June 16, 2014
53. Maybank Memorandum in Opposition to BB&T Motion *in limine* to Exclude Evidence of BB&T Asset Management's Policies and Procedures, filed June 16, 2014
54. Maybank Memorandum in Opposition to BB&T Motion *in limine* to Exclude Evidence of that BB&T Asset Management was not registered as a broker-dealer, filed June 16, 2014
55. Maybank Memorandum in Opposition to BB&T Motion *in limine* to Exclude Reference to Drexel Burnham, filed June 16, 2014
56. Verdict, rendered June 30, 2014
57. BB&T Motion for JNOV, New Trial, New Trial *Nisi Remittitur*, filed July 10, 2014
58. BB&T Motion for Election of Remedies, filed July 10, 2014
59. Maybank Motion and Memorandum for Attorneys' Fees and Costs under SC Unfair Trade Practices Act, filed July 10, 2014

60. Maybank Motion and Memorandum to Treble Damages under SC Unfair Trade Practices Act, filed July 10, 2014
61. Maybank Motion and Memorandum for Prejudgment Interest, filed July 10, 2014
62. BB&T Motion to Compel Additional Information related to Maybank Motion Attorneys' Fees and Costs under SC Unfair Trade Practices Act, filed August 5, 2014
63. BB&T Motion to Delay Consideration of Maybank Motions for Attorneys' Fees, Costs, and Treble Damages under SC Unfair Trade Practices Act, filed August 5, 2014
64. BB&T Motion to Strike Affidavit on Attorneys' Fees of Maybank Expert Witness Professor John Freeman, filed August 6, 2014
65. BB&T Memorandum in Opposition to Maybank Motion and Memorandum for Attorneys' Fees and Costs under SC Unfair Trade Practices Act, filed August 15, 2014
66. BB&T Memorandum in Opposition to Maybank Motion and Memorandum to Treble Damages under SC Unfair Trade Practices Act, filed August 15, 2014
67. BB&T Memorandum in Opposition to Maybank Motion and Memorandum for Prejudgment Interest, filed August 15, 2014
68. BB&T Memorandum in Support of BB&T Motion for JNOV, New Trial, New Trial *Nisi Remittitur*, filed August 15, 2014

69. Maybank Response to BB&T Motion for JNOV, New Trial, New Trial *Nisi Remittitur*, filed August 19, 2014
70. Maybank Response to BB&T Motion for Election of Remedies, filed August 19, 2014
71. Maybank Response to BB&T Motion to Compel Additional Information related to Maybank Motion Attorneys' Fees and Costs under SC Unfair Trade Practices Act, filed August 19, 2014
72. Maybank Response to BB&T Motion to Delay Consideration of Maybank Motions for Attorneys' Fees, Costs, and Treble Damages under SC Unfair Trade Practices Act, filed August 19, 2014
73. Maybank Response to BB&T Motion to Strike Affidavit on Attorneys' Fees of Maybank Expert Witness Professor John Freeman, filed August 19, 2014
74. Order and Final Judgment, filed November 10, 2014
75. Maybank Notice of Filing of Order and Final Judgment, filed November 10, 2014
76. BB&T Motion for Leave to Deposit Amount of Judgment, filed November 18, 2014
77. BB&T Motion to Alter or Amend, filed November 20, 2014
78. Order Granting Leave to Deposit Amount of Judgment, filed November 20, 2014
79. Maybank Opposition to BB&T Motion to Alter or Amend, filed December 2, 2014

80. Form 4 Order Denying Motion to Alter or Amend, filed December 4, 2014
81. BB&T Notice of Appeal, filed December 9, 2014
82. Maybank Notice of Cross-Appeal, filed December 16, 2014
83. Trial Transcript, dated June 16-30, 2014, pages:
 - a. 1-48
 - b. 174-180
 - c. 194
 - d. 278
 - e. 280-284
 - f. 287-288
 - g. 294-296
 - h. 298-299
 - i. 305-308
 - j. 313-333
 - k. 335-342
 - l. 344-345
 - m. 347-348
 - n. 353-356
 - o. 362-363
 - p. 367-368
 - q. 370-375
 - r. 377-379
 - s. 406

t. 422
u. 426-427
v. 471
w. 479
x. 520-521
y. 683-688
z. 876-941
aa. 1008-1010
bb. 1013-1016
cc. 1051-52
dd. 1075
ee. 1163-64
ff. 1307-08
gg. 1338-1340
hh. 1360-1362
ii. 1413-1414
jj. 1417
kk. 1534-35
ll. 1591-93
mm. 1617
nn. 1844-1846
oo. 1947-1948
pp. 2082-2096

84. Post-trial Hearing Transcript, dated August 19, 2014.

- a. 1-5
- b. 97-107
- c. 114

85. Agreed Trial Exhibits:

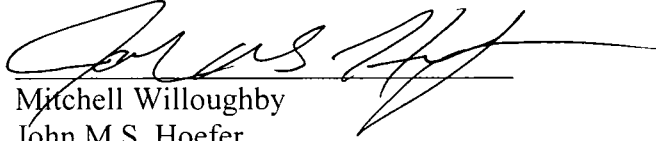
- a. 3
- b. 6
- c. 7
- d. 9
- e. 11
- f. 12
- g. 14
- h. 15
- i. 21
- j. 22
- k. 16
- l. 38
- m. 39
- n. 40
- o. 48
- p. 50
- q. 55
- r. 56

- s. 72
- 86. Plaintiff's Trial Exhibits:
 - a. 76
 - b. 80
 - c. 91
 - d. 92
 - e. 98
 - f. 100
 - g. 106
 - h. 107
- 87. Video Deposition Testimony:
 - a. Ross Walters
 - b. David Fisher
 - c. Ralph Borrello

Pursuant to Rule 209, SCACR, the undersigned counsel for the Respondent-Appellant certifies that the foregoing Designation of Matter to Be Included in the Record on Appeal contains no matter which is irrelevant to this appeal.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,



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July 24, 2015

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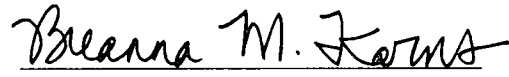
BB&T Corporation, Branch Banking and Trust Company,
Successor in merger to Branch Banking and Trust Company of SC,
and Sterling Capital Management, LLC, *Successor in merger to*
BB&T Asset Management, LLC, Appellants-Respondents.

PROOF OF SERVICE

This is to certify that I, a paralegal of Willoughby & Hofer, P.A., have caused to be served this day one (1) copy of the **Initial Appellant’s Brief of Respondent-Appellant Francis P. Maybank and Designation of Matter to be Included in the Record on Appeal** via hand-delivery or by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

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Breanna M. Karns
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Columbia, South Carolina
This 24th day of July, 2015.