

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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AUG 24 2015

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas  
Edward W. Miller, Circuit Court Judge

S.C. Supreme Court

Case No. 2011-CP-23-8578  
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.....Respondent/Appellant,

v.

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

**Appellants/Respondents' Designation of Matter to be Included in the Record on  
Appeal and to Respondent/Appellant's Cross-Appeal**

Pursuant to Rule 209, SCACR, Appellants/Respondents designate the following material for inclusion in the record on appeal as to the cross-appeal of Respondent/Appellant. On July 24, 2015, Appellants/Respondents filed a Designation of Matter to be Included in the Record on Appeal with their initial Appellants' brief in this appeal. Appellants/Respondents hereby incorporate their July 24, 2015 Designation of Matter in its entirety by reference and will supplement that filing with any additional matter that was not previously designated.

Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to this appeal.

## **Orders**

1. Order Granting Motion for Leave to Deposit Judgment Funds, filed November 20, 2014

## **Transcripts**

2. Trial Transcript, June 16, 2014 - June 30, 2014; pages: 175, 177-78, 194, 343-345, 354-356, 889-891, 898-900, 1198-1200, 1374-76, 1379-81, 1386-89, 1396-97, 1398-1400, 1412-16, 1464-66, 1751-55
3. Deposition of David W. Fisher (personal), dated November 20, 2013: pages 174-176
4. Deposition of Ralph Borello, dated January 9, 2013: pages 9-10
5. Transcript from August 19, 2014 Hearing

## **Trial Exhibits**

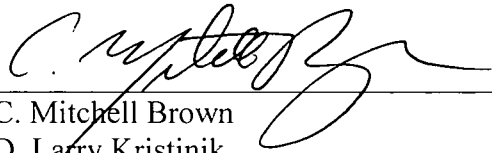
6. Agreed Exhibit 2, Maybank Family Insurance Trust, Bates No. BB&T 39366-77
7. Agreed Exhibit 11, 2006 VPFC Fee (Wire Instructions from Bear Stearns to BB&T), dated August 15, 2006, Bates No. BB&T 127
8. Agreed Exhibit 65.27, BB&T Wealth Management Account Statement, dated October 21, 2008, Bates No. Maybank 702-10
9. Agreed Exhibit 66.4, Bear Stearns VPFC Statement November 2006, Bates No. Maybank 932-36
10. Agreed Exhibit 66.15, Bear Stearns/JP Morgan VPFC Statement August 2008, Bates No. Maybank 995-1000
11. Agreed Exhibit 67.5, Deutsche Bank Securities Inc. Statement July 2009, Bates No. Maybank 1143-44
12. Agreed Exhibit 67.6, Deutsche Bank Securities Inc. Statement August 2009, Bates No. Maybank 1145-46
13. Defendants' Exhibit 64-43, Scott & Stringfellow Account Statement, dated August 31, 2006, Bates No. Maybank 1274-1279
14. Defendants' Exhibit 81, Realized Gain/Loss Report, dated June 25, 2009, Bates No. ARGO 1714-22

15. Plaintiff's Exhibit 90, Fee Chart, Bates No. BB&T 2801 (Under Seal)
16. Plaintiff's Exhibit 91, Form Letter, Bates No. BB&T 48730-32 (Under Seal)
17. Plaintiff's Exhibit 100, Email Dated 9/3/2004, Bates No. BB&T 10049-84

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: \_\_\_\_\_



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Branch Banking & Trust Co., and Sterling Capital  
Management, LLC

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Of whom Francis P. Maybank is the, ..... Respondent/Appellant,

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Trust Company, Successor in merger to  
Branch Banking and Trust Company of SC,  
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Successor in merger to BB&T Asset  
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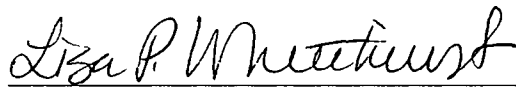
I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellants/Respondents, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy to the following address(es):

Pleadings:                      Designation of Matter to be Included in the Record on Appeal

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Lisa P. Whitehurst  
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August 24, 2015