

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM GREENVILLE COUNTY
In the Court of Common Pleas

S.C. Supreme Court

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 the Respondent-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 (in addition to the matter
designated in his cross-appeal) the following to be included in the Record on Appeal with
respect to the primary appeal:

1. BB&T Memorandum in Opposition to Motion to Remand, filed March 30,
2012
2. Scheduling Order of Judge Miller, filed August 6, 2013
3. BB&T Motion to Amend Answer, filed December 3, 2013
4. Maybank Motion for Partial Summary Judgment, filed December 11, 2013

5. BB&T Motion for Delay pursuant to Rule 56(f), filed December 30, 2013
6. BB&T Motion to Amend Scheduling Order, filed December 30, 2013
7. Maybank Motion in Opposition to Motion to Amend Scheduling Order, filed January 7, 2014
8. BB&T Opposition to Maybank Motion for Partial Summary Judgment, filed February 7, 2014
9. BB&T Supplemental Brief in Opposition to Maybank Motion for Partial Summary Judgment, filed April 21, 2014
10. Maybank Memorandum in Support of Motion for Partial Summary Judgment, filed April 22, 2014
11. Second Amended Scheduling Order of Judge Miller, filed April 24, 2014
12. E-Mail of William Brown to Judge Miller conveying Consent Motion to Amend Second Amended Scheduling Order, dated April 30, 2014
13. Third Amended Scheduling Order of Judge Miller, filed April 30, 2014
14. BB&T Motion to Amend Third Amended Scheduling Order, filed May 16, 2014
15. BB&T Memorandum in Opposition to Maybank Motion for Summary Judgment, filed May 22, 2014
16. Maybank Memorandum in Opposition to BB&T Motion to Amend Third Amended Scheduling Order, filed May 16, 2014
17. BB&T Motion for Directed Verdict, filed June 23, 2014
18. BB&T Requested Jury Charges (Pages: 1-2 (Cover and signature pages); pages 30-31 (Charges No.22); pages 33-36 (Charges Nos.24-26); pages 73-74 (Charge No.51))
19. Jury Charges
20. Trial Transcript, dated June 16-30, 2014, pages:
 - a. 179
 - b. 199
 - c. 210
 - d. 236
 - e. 279
 - f. 285-286
 - g. 289-293

- h. 297
- i. 300-301
- j. 302-305
- k. 343
- l. 349-352
- m. 357-361
- n. 364-366
- o. 369
- p. 376
- q. 380-383
- r. 385-387
- s. 645-783
- t. 875
- u. 876-941
- v. 1002-1007
- w. 1011-1012
- x. 1156
- y. 1174-75
- z. 1184-85
- aa. 1254-56
- bb. 1294
- cc. 1313
- dd. 1363
- ee. 1417-18
- ff. 1529-1533
- gg. 1754-55
- hh. 1815-1816
- ii. 1829
- jj. 1831
- kk. 1856-1866
- ll. 1915-1916
- mm. 1922
- nn. 1986-87
- oo. 1988-2028

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

- a. 6-96
- b. 108-113

22. Agreed Trial Exhibits:

- a. 10
- b. 26
- c. 37
- d. 52
- e. 53
- f. 65.2

23. Plaintiff's Trial Exhibits:

- a. 89
- b. 94
- c. 95
- d. 96
- e. 97
- f. 101
- g. 102
- h. 103
- i. 104
- j. 114, pp.1-11, 27-28

24. Video Deposition Testimony:

a. Ross Walters

i. Personal Deposition

- 1. p.4:18-22
- 2. p.54:10-25
- 3. p.61:10-22
- 4. p.89:22-25
- 5. pp.90-94
- 6. p.95:1-5, 23-25
- 7. p.96:1-8
- 8. p.103:21-25
- 9. p.104:1-25
- 10. p.105:1-12
- 11. p.106:22-25
- 12. p.107:1-23
- 13. p.108:17-25
- 14. p.110:4-25
- 15. p.111:1-25
- 16. p.112:1-5
- 17. p.184:11-25
- 18. p.185:1-18
- 19. p.191:21-25
- 20. pp.192-194
- 21. p.198:6-25
- 22. p.199:1-5

ii. Rule 30(b)(6) Deposition

- 1. p.223:3-25
- 2. p.224:1-22
- 3. p.239:1-25
- 4. p.240:1
- 5. p.241:1-2, 9-22

6. p.245:6-22

b. Ralph Borello

- i. p.4:22-25
- ii. p.5:1-21
- iii. p.6:12-25
- iv. p.7:1-10
- v. p.8:10-25
- vi. p.9:1-25
- vii. p.10:1-25
- viii. p.17:16-25
- ix. p.18:1-4
- x. p.24:21-25
- xi. p.25:1-22
- xii. p.26:15-25
- xiii. p.27:1-12
- xiv. p.35:20-25
- xv. p.36:1-4, 12-17
- xvi. p.37:1-25
- xvii. p.38:3-11
- xviii. p.40:17-25
- xix. p.41:1-2
- xx. p.41:11-25
- xxi. p.42:1-7

c. David Fisher

i. Personal Deposition

1. p.4:20-25
2. p.5:1-3
3. p.42:16-25
4. p.43:1-4
5. p.45:10-25
6. p.46:1-25
7. p.47:1-2
8. p.64:24-25
9. p.65:1-25
10. p.66:1-21
11. p.68:16-25
12. p.69:1-5
13. p.71:21-25
14. p.72:23-25
15. p.73:1-25
16. p.74:1-15
17. p.76:5-21
18. p.77:12-23

19. p.99:1-25
20. p.100:1-25
21. p.101:1-14
22. p.111:7-25
23. p.175:3-24

ii. Rule 30(b)(6) Deposition

1. p.3:24-25
2. p.4:1-25
3. p.5:1-18, 20-25
4. p.6:1-25
5. p.7:1-13
6. pp.8-9
7. p.10:1-7
8. p.12:19-25
9. pp.13-14
10. p.15:1-12
11. p.19:4-25
12. p.20:1-25
13. p.21:1-11
14. p.24:19-25
15. p.25:1-25
16. p.26:1-5

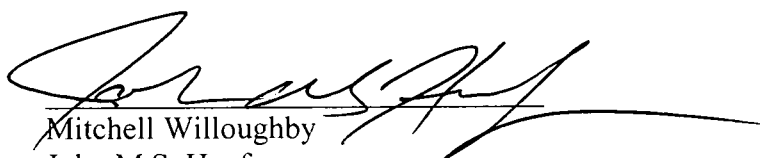
d. Shawn Gibson

- i. p.9:19-24
- ii. p.10:1-5
- iii. p.17:24
- iv. p.18:1-12
- v. p.25:2-22
- vi. p.26:4-10
- vii. p.27:1-9
- viii. p.28:24
- ix. pp.29-30
- x. p.31:1-18
- xi. p.73:4-24
- xii. p.74:1-5
- xiii. p.192:13-24
- xiv. p.193
- xv. p.194:1-21
- xvi. p.197:3-22
- xvii. p.227:2-24
- xviii. p.228

- xix. p.229:1-9
- xx. p.236:10-24
- xxi. pp.237-242
- xxii. p.243:1-19
- xxiii. p.250:13-24
- xxiv. p.251-52
- xxv. p.253:1-10

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.

Respectfully submitted,



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August 24, 2015
Columbia, South Carolina

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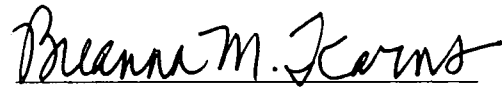
BB&T Corporation, Branch Banking and Trust Company,
Successor in merger to Branch Banking and Trust Company of SC,
and Sterling Capital Management, LLC, *Successor in merger to*
BB&T Asset Management, LLC,Appellants-Respondents.

PROOF OF SERVICE

This is to certify that I, a paralegal of Willoughby & Hoefler, P.A., have caused to be served this day one (1) copy of the **Initial Respondent's Brief of Respondent-Appellant Francis P. Maybank and Designation of Matter to be Included in the Record on Appeal** via 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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Columbia, South Carolina
This 24th day of August, 2015.