

THE STATE OF SOUTH CAROLINA

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IN THE COURT OF APPEALS

SEP 14 2015

Marjorie Cato Burton as Trustee of the Sloan Marvin Burton  
and Marjorie Cato burton, AB Living Trust by and through  
David A. Burton as Attorney-in-Fact, Individually and in the  
right and on behalf of T.E. Cato Estate, LLC, Appellant

SC Court of Appeals

v.

Carroll M. Pitts, Jr., Esq. and Robinson Bradshaw & Hinson,  
P.A., Respondents

Appellate Case No: 2015-001053

The Honorable John C. Hayes, III  
York County  
Circuit Court Case No: 2010-CP-46-02267

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

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**MBR LAW, LLC**

Matthew B. Rosbrugh  
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Attorneys for Appellant

September 14, 2015

## **Orders**

Order Denying Motion to Amend dated October 24, 2013

Order Denying Reconsideration dated November 7, 2013

Order Denying Motion to Amend Complaint

Order dated April 3, 2015

Order Denying Motion to Reconsider dated April 30, 2015

## **Pleadings and Motions**

Summons and Complaint dated May 27, 2010

Defendant's Answer dated July 20, 2010

Motion to Amend Complaint dated September 9, 2013

Memorandum in Opposition to Motion to Amend Complaint dated October 7, 2013

Plaintiff's Amended Brief in Support of Motion to Amend Complaint dated October 17, 2013

Plaintiff's Motion to Reconsider dated November 7, 2013

Defendants' Trial Briefs dated January 30, 2015 and February 4, 2015

Plaintiffs' Reply Brief dated March 11, 2015

Plaintiff's Motion to Reconsider dated April 16, 2014

Notice of Appeal dated May 18, 2015

## **Transcript of Record**

Transcript of Motion hearing dated October 9, 2013

Non-jury trial Transcript dated December 16-18, 2014 and January 26-27, 2015.

## **Trial exhibits:**

Pl. 2; Pl. 3; Pl. 4 ; Pl. 5; Pl. 6; Pl. 7; Pl. 8; Pl. 9; Pl. 11; Pl. 12; Pl. 13; Pl. 14; Pl. 16-A; Pl. 16-B; Pl. 17-A; Pl. 17-B; Pl. 18; Pl.19; Pl. 20; Pl. 21; Pl. 22; Pl. 23; Pl. 24; Pl. 27; Pl. 29;

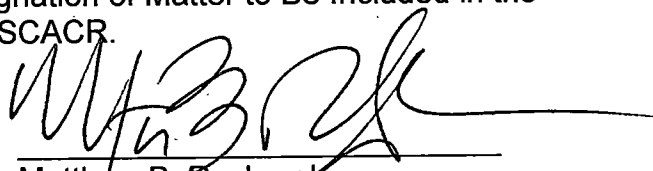
PI. 32; PI. 32(d); PI. 34; PI. 38; PI. 47; PI. 48; PI. 50; PI. 53; PI. 55; PI. 56; PI. 59; PI. 60;  
PI. 62; PI. 63;

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**Certificate of Counsel**

The undersigned certifies that this Designation of Matter to Be Included in the Record on Appeal complies with Rule 209(b), SCACR.



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Marjorie Cato Burton as Trustee of the Sloan Marvin Burton  
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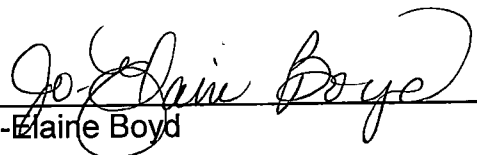
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**PROOF OF SERVICE**

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The undersigned hereby certifies that I have served the **Initial Brief** and **Designation of Matter to be Included in the record on Appeal** on counsel for Respondents by depositing a copy of it in the United States Mail, postage prepaid, on September 14, 2015, addressed to their attorneys of record at Samuel W. Outten, Esq., Nelson, Mullins, Riley & Scarborough, Poinsett Plaza, Suite 900, 104 South Main Street, Greenville, South Carolina, 29601.

  
Jo-Elaine Boyd

September 14, 2015



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**Via Hand Delivery**

Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

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Re: Marjorie Cato Burton as Trustee of the Sloan Marvin Burton and Marjorie Cato Burton, AB Living Trust by and through David A. Burton as Attorney-in-Fact, Individually and in the right and on behalf of T.E. Cato Estate, LLC, Appellant v. Carroll M. Pitts, Jr., Esq. and Robinson Bradshaw & Hinson, P.A., Respondents; Appellate Case No: 2015-001053

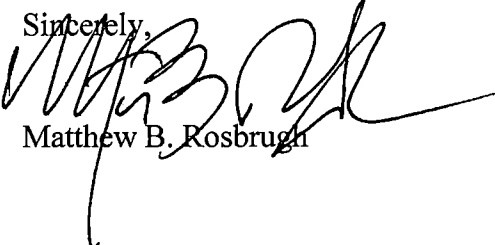
Dear Ms. Kitchings:

Enclosed please find the original and one copy of:

- *Appellant's Initial Brief*
- *Appellant's Designation of Matter to be Included in the Record on Appeal*
- *Proof of Service*

Please file the originals in the Court file and return clocked copies to our courier.

Sincerely,



Matthew B. Rosbrugh