

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Alison Renee Lee, Circuit Court Judge

Case No. 2012-CP-40-6074

TD Bank, N.A., Respondent,

v.

David H. Jacobs, Appellant.

Case No. 2012-CP-40-7540

TD Bank, N.A., Respondent,

v.

David H. Jacobs and James A. McFarland, Defendants,

Of Whom David H. Jacobs is Appellant.

**RESPONDENT TD BANK, N.A.'S DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 209, SCACR, Respondent TD Bank, N.A. ("TD Bank"), requests that the following items be included in the record on appeal:

1. Complaints in Case No. 2012-CP-40-6074 and Case No. 2012-CP-40-7540;
2. Answers of David Jacobs in Case No. 2012-CP-40-6074 and Case No. 2012-CP-40-7540;
3. Supplemental Answers of David Jacobs in Case No. 2012-CP-40-6074 and Case No. 2012-CP-40-7540;

4. TD Bank's Motion for Summary Judgment and all Exhibits thereto in Case No. 2012-CP-40-6074 and Case No. 2012-CP-40-7540;
5. Order Denying TD Bank's Motions for Summary Judgment;
6. TD Bank's Motion to Reconsider, Alter or Amend March 24, 2014 Order Denying Motions for Summary Judgment;
7. Order Denying Motions of the Plaintiff entered April 23, 2014;
8. TD Bank's Motion in Limine and all Exhibits thereto in Case No. 2012-CP-40-6074 and Case No. 2012-CP-40-7540 (Exhibits are the same in both cases, so only one set of exhibits is required);
9. Transcript of Hearing on Motion in Limine and Defendants' Proffer of Evidence on August 12, 2014;
 - a. pp. 26-27; 34-35; 37-38; 41; 44-45; 72-76; 134-135
10. Exhibits offered at Motion in Limine Hearing;
 - a. Defendant's Exhibits 1-7
 - b. Plaintiff's Exhibits 1-16
11. Order on Motion in Limine dated October 3, 2014;
12. Transcript of Trial on October 6, 2014 – October 7, 2014;
 - a. pp. 23; 57; 65; 72-73; 78; 82; 89-92; 95; 113-115; 200-203; 237; 319; 358-388
13. Exhibits admitted at Trial
 - a. Plaintiff's Exhibits 1-16
 - b. Defendants' Exhibit 1
14. Verdicts in Case No. 2012-CP-40-6074 and Case No. 2012-CP-40-7540;
15. Judgments in Case No. 2012-CP-40-6074 and Case No. 2012-CP-40-7540;
16. Appellant's Motion for New Trial in Case No. 2012-CP-40-6074 and Case No. 2012-CP-40-7540;
17. Order Denying Appellant's Motion for New Trial filed March 2, 2015;

18. Notice of Appeal in Case No. 2012-CP-40-6074; and

19. Notice of Appeal in Case No. 2012-CP-40-7540.

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

NELSON MULLINS RILEY & SCARBOROUGH LLP

By



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Attorneys for TD Bank, N.A., successor by merger
with Carolina First Bank

Columbia, South Carolina
December 30, 2015

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David H. Jacobs and James A. McFarland, Defendants,

Of Whom David H. Jacobs is Appellant.

CERTIFICATE OF SERVICE

I, the undersigned of the law offices of Nelson, Mullins Riley & Scarborough, LLP, attorneys for Respondent TD Bank, N.A., do hereby certify that I have served the below counsel in this action with a copy of the pleading(s) hereinbelow specified via hand delivery to the following addresses:

Pleadings: INITIAL BRIEF OF RESPONDENT

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

Parties Served: Charles E. Carpenter, Jr.
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December 30, 2015

Hand Delivered

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

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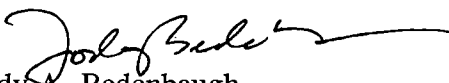
RE: TD Bank v. David H. Jacobs
Case No. 2012-CP-40-6074
TD Bank v. David H. Jacobs and James McFarland
Case No. 2012-CP-40-7540
Appellant Case No. 2015-000730

Dear Ms. Kitchings:

Enclosed please find the original and one copy of the Initial Brief of Respondent TD Bank, N.A., Respondent TD Bank, N.A.'s Designation of Matter to be Included in the Record on Appeal, and the Certificate of Service for same. We would ask that you file the originals and return clocked-in copies to us in the envelope provided for your convenience.

By copy of this letter to counsel of record, we are serving them with a copy of these filings.

Very truly yours,


Jody A. Bedenbaugh

Enclosures

cc: Charles E. Carpenter, Jr., Esq.
Gerald D. Jowers, Esq.

LAW OFFICES
NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

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