

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

RECEIVED

Hon. Roger M. Young, Circuit Court Judge

JAN 19 2016

SC Court of Appeals

Appellate Case No. 2015-001809

Skywaves I Corporation,Appellant/Respondent,

v.

Branch Banking and Trust Company,
Successor in Merger to Branch Banking and Trust
Company of SC, a/k/a BB&T, Respondent/Appellant,

And

James Edahl, Respondent,

RESPONDENT/APPELLANT'S DESIGNATION OF MATTER
TO THE RECORD ON APPEAL

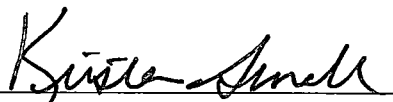
Respondent proposes the following to be included in the Record on
Appeal:

1. First Amended Complaint;
2. BB&T's Amended Answer to First Amended Complaint;
3. James Edahl's Amended Answer to First Amended Complaint;
4. Order of Oct. 26, 2011 (granting Edahl's motion to dismiss and BB&T's motion to dismiss in part);
5. Order of June 14, 2012 (granting Skywaves' motion to reconsider);
6. Order of July 27, 2015 (granting in part and denying in part BB&T's and Edahl's motions for summary judgment);
7. Deposition of Ronald Konersmann, pages 51, 27-44, 191-192, 152, 221,303-304, 310, 337, 169-170, 124-125, 138, 342-343, 345;

8. Deposition of John Voytko, pages 36-37, 151, 63-66, 64, 69, 86, 81-82, 55, 59, 118, 115, 169-170,173, 68-69, 150-151, 194-195;
9. Deposition of Michael Burke, pages 21-25, 32-33, 50-51, 33, 60, 66;
10. Ronald Konersmann CV;
11. Feb. 15, 2006 Email from Castlen Morris to John Voytko;
12. June 5, 2006 Email from Castlen Morris to John Voytko;
13. Feb. 14, 2007 Email from Castlen Morris to John Voytko;
14. March 25, 2006 Email from Castlen Morris to John Voytko
15. May 8, 2007 Email from John Voytko to Castlen Morris;
16. Feb. 8, 2008 Email from Earl Hewlette to James Edahl;
17. Nov. 5, 2007 Email from John Voytko to James Edahl and Castlen Morris, with attachments;
18. June 5, 2005, Letter from Castlen Morris to Ronald Konnersmann and John Voytko;
19. March 14, 2007 Letter from James Edahl to John Voytko;
20. March 2, 2007 Letter from James Edahl to John Voytko
21. Factoring Agreement;
22. May 11, 2006 Amendment to Factoring Agreement;
23. 2007 Projected Financials
24. Revised 2007 Projected Financials
25. 2007 year-end Financials
26. Default Letter of Jan. 25, 2008;
27. Sept. 2007 Notes;
28. Feb. 11, 2008 Letter from Steven Licata to Ronald Konersmann.

I certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,



Kirsten E. Small, Esquire
NEXSEN PRUET, LLC
55 E. Camperdown Way, 4th Floor (29601)

Post Office Drawer 10648
Greenville, SC 29603
Telephone: 864.370.2211
Email: ksmall@nexsenpruet.com

Julio E. Mendoza, Jr., Esquire
NEXSEN PRUET, LLC
1230 Main Street, Suite 700 (29201)
Post Office Drawer 2426
Columbia, SC 29202
Telephone: 803.540.2026
Email: rmendoza@nexsenpruet.com

Molly Hughes Cherry, Esquire
NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
Post Office Box 486
Charleston, SC 29402
Telephone: 843.577.9440
Email: mcherry@nexsenpruet.com

*Attorneys for Respondent / Appellant Branch Banking
and Trust Company, Successor in Merger to Branch
Banking and Trust Company of SC, a/k/a BB&T*

Greenville, South Carolina
January 14, 2016

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

RECEIVED

JAN 19 2016

Hon. Roger M. Young, Circuit Court Judge

SC Court of Appeals

Appellate Case No. 2015-001809

Skywaves I Corporation, Appellant/Respondent,

v.

Branch Banking and Trust Company,
Successor in Merger to Branch Banking and Trust
Company of SC, a/k/a BB&T, Respondent/Appellant,

And

James Edahl, Respondent,

PROOF OF SERVICE

I certify that I have served Respondent/Appellant's Designation of Matter to the Record on Appeal and Initial Brief upon the Appellant/Respondent, Skywaves I Corporation and the Respondent, James Edahl by depositing a copy via U.S. Mail on January 14, 2016, to all counsel of record listed below.

M. Dawes Cooke, Jr., Esquire
John W. Fletcher, Esquire
Barnwell, Whaley, Patterson & Helms,
LLC
288 Meeting Street, Suite 200
Charleston, SC 29401

George J. Kefalos, Esquire
George J. Kefalos, PA
46A State Street
Charleston, SC 29401

Attorneys For Appellant/Respondent

*Attorneys For
Appellant/Respondent*

Brian C. Duffy, Esquire
John P. Linton, Esquire
Duffy & Young, LLC
96 Broad Street
Charleston, SC 29401

*Attorneys For
Appellant/Respondent*

J.W. Nelson Chandler, Esquire
Corrigan & Chandler, LLC
P.O. Box 547
Charleston, SC 29401

Attorney For Respondent

Andrew K. Epting, Jr., Esquire
Andrew K. Epting, Jr., LLC
46A State Street
Charleston, SC 29401

Attorneys For Appellant/Respondent




Kirsten E. Small, Esquire
NEXSEN PRUET, LLC
55 E. Camperdown Way, 4th Floor
(29601)
Post Office Drawer 10648
Greenville, SC 29603
Telephone: 864.370.2211
Email: ksmall@nexsenpruet.com

Attorneys for Respondent/Appellant

XSEN | PRUET

rawer 10648
29603-0648

Hasler PRIORITY MAIL
01/14/2016
US POSTAGE \$05.75⁰

ZIP 29601
011D11635376

001953-756

NEXSEN | PRUET

P. O. Drawer 10648
Greenville SC 29603-0648

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

RECEIVED
JAN 19 2016
SC Court of Appeals