

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
In the Court of Common Pleas for the Ninth Circuit

RECEIVED

Roger M. Young, Circuit Court Judge

JAN 15 2016

SC Court of Appeals

Appellate Case No. 2015-001809

Skywaves I Corporation.....Appellant/Respondent

v.

Branch Banking & Trust Company, successor in merger to Branch
Banking and Trust Company of SC, a/k/a BB&T, and James Edahl Defendants

Of which Branch Banking & Trust Company, successor in merger
to Branch Banking and Trust Company of SC, a/k/a BB&T is the ..Respondent/Appellant

AND

Of whom James Edahl is theRespondent

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

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Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Appellant/Respondent, Skywaves I Corporation, hereby designates the following materials to be included in the Record on Appeal in this matter. Unless otherwise expressly stated, each item designated is to include *all* attachments or exhibits to the original of the referenced item, as well as any proofs of service. Respondent expressly reserves the right to seek supplementation to the record pursuant to Rules 209 and 212, SCACR. In addition to the matters which might be designated by Respondent or Respondent/Appellant, which designations are incorporated herein by reference, Appellant/Respondent designates the following matters for inclusion in the Record on Appeal:

1. 12/3/2009 Complaint
2. 2/12/2010 First Amended Complaint
3. 2/26/2010 BB&T Answer to First Amended Complaint
4. 6/21/2010 Order Remanding Case to State Court
5. 8/16/2010 Order Granting Attorneys' Fees in Removed Case
6. 3/28/2011 Order Granting Attorneys' Fees in Removed Case
7. 8/15/11 Transcript of Argument
8. 10/26/2011 ORDER GRANTING BRANCH BANKING AND TRUST COMPANY OF SC, a/k/a BB&T'S PARTIAL MOTION TO DISMISS AMENDED COMPLAINT AND JAMES EDAHL'S MOTION TO DISMISS AMENDED COMPLAINT WITH PREJUDICE
9. 11/18/2011 Skywaves' Motion to Reconsider, Alter or Amend Dismissal or for Relief from Judgment
10. 6/14/2012 ORDER GRANTING SKYWAVES MOTION TO RECONSIDER
11. 7/6/2012 Edahl Answer to First Amended Complaint (filed in federal court, later filed in state court)
12. 1/17/2014 Plaintiff's Motion to Strike (including all Exhibits)
13. 2/11/2014 Affidavit of Edahl
14. 2/25/2014 BB&T Motion to Amend Answer

15. 2/25/2014 Edahl Motion to Amend Answer
16. 3/13/2014 ORDER denying Plaintiff's Motion to Strike and granting Defendants' Motion to Amend Answers
17. 3/21/2014 Edahl Amended Answer
18. BB&T's Amended Answer
19. 7/24/2014 Defendant BB&T's Notice of Motion and Motion to Strike Demand for Jury Trial
20. 7/24/2014 Defendant BB&T's Notice of Motion and Motion for Summary Judgment
21. 7/28/2014 Defendant Edahl's Notice of Motion and Motion to Strike Demand for Jury Trial
22. 7/28/2014 Defendant Edahl's Notice of Motion and Motion for Summary Judgment
23. 12/2/2014 Amended Answer of Defendant BB&T
24. 1/12/2015 Skywaves' Memorandum in Opposition to Motions to Strike Jury Trial Demand (with all exhibits)
25. 1/13/2015 Skywaves' Letter Brief to the Trial Court in further opposition to Motion to Strike Jury Trial Demand
26. 1/15/2015 Defendants' Letter Brief to the Trial Court in further support of Motion to Strike Jury Trial Demand
27. 2/9/2015 ORDER GRANTING DEFENDANT BB&T AND DEFENDANT EDHAL'S (sic) MOTION TO STRIKE PLAINTIFF'S DEMAND FOR JURY TRIAL
28. 2/18/2015 Skywaves' Motion to Reconsider
29. 4/16/2015 Skywaves' Motion to Strike Answers of Defendant Based on Fraud Upon the Court and Unclean Hands and Violation of Rule 37 and Rule 11 and Incorporated Memorandum in Support (including all exhibits)
30. 4/23/2015 Skywaves' Memorandum in Opposition to Motion to Strike Demand for Jury Trial (including all Exhibits)
31. Skywaves' Notice of Filing Exhibits to Plaintiff's Memorandum in Opposition to Motions for Summary Judgment (including all exhibits)

32. 7/23/2015 ORDER GRANTING IN PART DEFENDANT BB&T'S MOTION FOR SUMMARY JUDGMENT; GRANTING DEFENDANT EDAHL'S MOTION MOTION (sic) FOR SUMMARY JUDGMENT[;] DENYING PLAINTIFF'S MOTION TO RECONSIDER; DENYING PLAINTIFF'S MOTION TO AMEND THE COMPLAINT; AND DENYING PLAINTIFF'S MOTION FOR COMMISSION OF (sic) ISSUANCE OF A SUBPOENA TO DEPOSE JOHN ALLISON
33. Skywaves' Notice of Appeal
34. Skywaves' Amended and Supplemental Notice of Appeal
35. Exhibit 1 to Deposition of Frank Bullard February 27, 2015
36. Exhibit 1 to Deposition of Tol Broome December 19, 2013

Appellant/Respondent certifies, pursuant to S.C.A.C.R., Rule 209(c), that the designations set forth above are relevant to the appeal in this matter, and that it has not designated any matter which is irrelevant to the issues before the Court.

January 14, 2016

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Of which Branch Banking & Trust Company, successor in
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BB&T is the Respondent/Appellant

AND

Of whom James Edahl is the Respondent

PROOF OF SERVICE

I certify that I have served the Appellant/Respondent's Designation of Matter to be Included in the Record on Appeal on the above-referenced Respondent/Appellant and Respondent by depositing a copy of it in the United States Mail, postage prepaid, on January 14, 2016, addressed to their attorneys of record:

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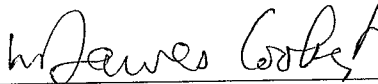
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