

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

FEB 04 2016
SC Court of Appeals

The Honorable Stephanie P. McDonald, Circuit Court Judge

Case No. 2010-CP-10-10490

Brad J. Walbeck and Lea Ann Adkins, Both Individually and Derivatively on Behalf of
The I'On Assembly, Inc.; I'On Assembly, Inc.

Respondents,

v.

The I'On Company, LLC, The I'On Club, LLC, The I'On Group, LLC f/k/a Civitas, LLC,
and I'On Realty, LLC,

Appellants.

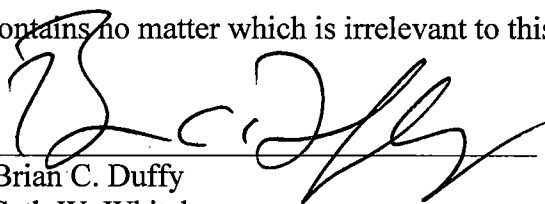
**DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL**

Appellants propose the following to be included in the Record on Appeal:

1. March 15, 2012 Order.
2. November 6, 2012 Order.
3. February 11, 2014 Order.
4. February 26, 2014 Order.
5. June 20, 2014 Order.
6. August 11, 2014 Order.
7. June 15, 2015 Order Denying JNOV and Motion for New Trial.
8. June 15, 2015 Order Denying Adkins Petition for Unjust Enrichment.
9. June 16, 2015 Easement Order.
10. July 13, 2015 Order Awarding Walbeck Attorney's Fees and Costs.
11. July 13, 2015 Order Denying The I'On Company's Petition for Fees.
12. December 22, 2010 Summons and Complaint.
13. March 8, 2011 Amended Complaint.
14. May 27, 2011 Answer.

15. February 7, 2012 Second Amended Complaint.
16. January 2, 2014 Third Amended Complaint.
17. January 9, 2014 Verifications to Third Amended Complaint by Plaintiffs.
18. January 14, 2014 Answer to Third Amended Complaint.
19. January 13, 2014 Hearing Transcript.
20. July 24, 2014 Hearing Transcript.
21. January 13 – January 17, 2014 Trial Transcript Excerpts.
22. July 28, 2014 – August 1, 2014 Trial Transcript.
23. May 27, 2011 Motion to Dismiss.
24. May 31, 2012 Motion for Summary Judgment.
25. October 22, 2012 I'On Memorandum in Support of Motion for Summary Judgment, Ex. A: Walbeck Deposition Excerpts.
26. January 8, 2014 Motion for Summary Judgment.
27. May 12, 2014 Complaint – The I'On Company, LLC v. Walbeck.
28. July 31, 2014 Memorandum in Support of Directed Verdict.
29. Verdict Form.
30. August 11, 2014 Motion for Judgment Notwithstanding the Verdict.
31. August 11, 2014 Walbeck Petition for Attorneys' Fees.
32. August 11, 2014 Adkins Petition for Unjust Enrichment.
33. August 11, 2014 Plaintiffs' Motion Regarding Easement.
34. August 12, 2014 I'On Petition for Attorneys' Fees.
35. Court's Exhibits Nos. 1, 5.
36. Plaintiffs' Trial Exhibits Nos.: 1, 2, 3, 6, 31-33, 37, 41, 45, 48, 51, 53, 54, 57, 58, 77, 86, 111, 119-137, 139, 140, 154, 180, 181, 187, 193, 195, 196, 202, 204, 205, 212, 214-218, 220, 223, 225.
37. Defendants' Trial Exhibits Nos.: 3, 4, 5B, 8, 14, 15, 17-19, 22-25, 27, 28, 32-34, 39-44, 49, 52, 54-56, 59, 60, 61A, 62, 63, 67, 69-84, 87, 98, 105-133, 137, 140-142, 150-153, 155, 157, 158, 164A, 167, 173, 174, 180, 182.

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



Brian C. Duffy
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Attorneys for Appellants

February 1, 2016
Charleston, South Carolina

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v.

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PROOF OF SERVICE

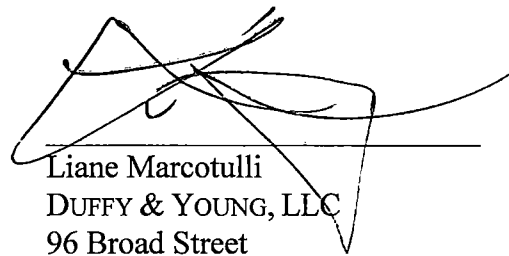
I, Liane Marcotulli, paralegal for Duffy & Young, LLC, certify that I have served the
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL
on Respondents by U.S. mail on February 1, 2016 by depositing a copy of it to their attorneys
of record as shown below:

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*Attorneys for Respondents Brad J. Walbeck, and Lea Ann Adkins,
individually and derivatively on behalf of I'On Assembly, Inc.*

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A handwritten signature in black ink, appearing to read "Liane Marcotulli", is written over a horizontal line. The signature is stylized and somewhat abstract.

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ATTORNEYS AT LAW

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VIA U.S. MAIL

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

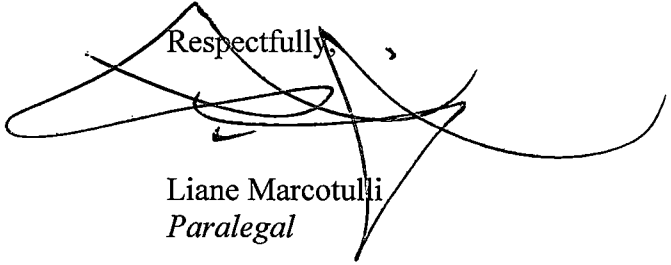
RE: I'On Assembly, Inc., et al. v. The I'On Company, LLC, et al.
Civil Action No.: 2010-CP-10-10490
Appellate Case No.: 2015-001590

Dear Ms. Kitchings:

Enclosed for filing please find one original and one copy of Appellants' Reply Brief and Designation of Matter in the above-referenced appeal, as well as one original and one copy of the Proofs of Service for same.

I would appreciate it if you would please file the original Reply Brief, Designation of Matter, and Proofs of Service and return a file-stamped copy of each document to our office in the enclosed self-addressed stamped envelope. I appreciate your assistance in this matter. Should you have any questions or concerns, please do not hesitate to contact me.

Respectfully,


Liane Marcotulli
Paralegal

Enclosures

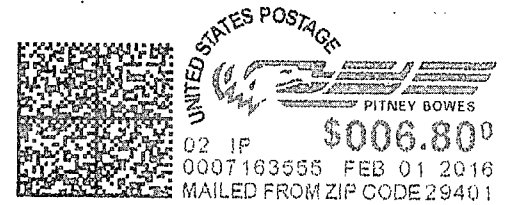
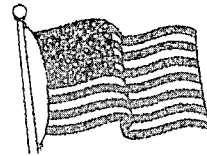
cc: Justin O. Lucey, Esq.
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The Honorable **Jenny Abbott Kitchings**
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