

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SALUDA COUNTY
Court of Common Pleas
The Hon. R. Lawton McIntosh, Circuit Court Judge

RECEIVED

FEB 22 2016

Case No. 13-CP-41-078

S.C. SUPREME COURT

Appellate Case No. 2015-001159

Walter Smith,.....Respondent

v.

Norman K. Tiffany, Individually; Brown Trucking
Company; and Brown Integrated Logistics, Inc.,.....Appellants,

AND

Brown Trucking Company and Brown Integrated Logistics, Inc.,.....Appellants

v.

Corbett James Mizzell, III,.....Respondent.

**RESPONDENT CORBETT JAMES MIZZELL, III'S
DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL**

Respondent, Corbett James Mizzell, III, proposes that the following be included in the Record on Appeal:

1. Complaint;
2. Answer and Third Party Complaint of Brown Trucking Company and Brown Integrated Logistics;
3. Notice of Motion and Motion to Dismiss Third-Party Complaint Against Third-Party Defendant and Motion to Set Aside Entry of Default;
4. Order filed Dec. 31, 2013;

5. Third-Party Defendant's Notice of Motion and Motion for Summary Judgment;
6. Order filed May 15, 2015;
7. Affidavit of Corbett James Mizzell;
8. Third-Party Defendant's Requests to Admit to Plaintiff (including Covenant not to Execute as Exhibit);
9. Plaintiff's Responses to Third-Party Defendant's Requests to Admit;
10. Defendant's Consolidated Memorandum of Law for March 18, 2015 Hearing;
11. Transcript of March 18, 2015 Hearing pp. 26-53;
12. Fagnant v. K'Mart Corp., No. 4:11-cv-00302-RBH (D.S.C. Dec. 31, 2013) (unpublished order);
13. Deposition of Norman K. Tiffany pp. 150-151; and
14. Deposition of Richard Jenkins pp. 88-90.

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



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ATTORNEY FOR RESPONDENT
CORBETT JAMES MIZZELL, III

February 19, 2016

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CERTIFICATE OF SERVICE

I, the undersigned, of the law office of King, Love & Hupfer, LLC, as attorneys for Corbett James Mizzell, III, do hereby certify that I have served the INITIAL BRIEF OF RESPONDENT CORBETT JAMES MIZZELL, III, and RESPONDENT CORBETT JAMES MIZZELL, III'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL this February 19, 2016, by depositing the same in a U.S. Postal Box in envelopes, sufficient postage prepaid, properly addressed to the following:

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February 19, 2016