

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

The Honorable Marvin H. Dukes, III  
Beaufort County  
Trial Court Case No. 2011-CP-07-128 and 2011-CP-07-129

**RECEIVED**

Case No. 2015-002156

MAR 03 2016

**SC Court of Appeals**

First Citizens Bank and Trust Company, Inc.,

Respondent/Appellant,

v.

Blue Ox, LLC and J. Chris Lindgren,

Defendants,

Of whom J. Chris Lindgren is the

Appellant/Respondent.

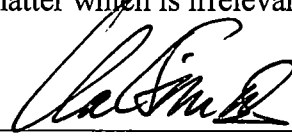
**DESIGNATION OF MATTER**

Appellant/Respondent proposes the following be included in the Record on Appeal:

1. Confession of Judgment of January 6, 2011 (2011-CP-07-128);
2. Confession of Judgment of January 6, 2011 (2011-CP-07-129);
3. Verified Petition for Supplemental Proceedings of July 11, 2014 (2011-CP-07-128);
4. Verified Petition for Supplemental Proceedings of July 11, 2014 (2011-CP-07-129);
5. Order of Reference of July 11, 2014 (2011-CP-07-128);
6. Order of Reference of July 11, 2014 (2011-CP-07-129);
7. Rule to Show Cause of July 14, 2014 (2011-CP-07-128);
8. Rule to Show Cause of July 14, 2014 ((2011-CP-07-129);
9. Transcript of September 2, 2014 Supplemental Proceedings Hearing;

10. Memorandum in Support of Motion to Set Aside and Execute of Voluntary Post-Judgment Contributions by J. Chris Lindgren to 401(k), IRA Accounts and an Education Account of November 3, 2014;
11. Post-Judgment Contributions by J. Chris Lindgren To 401(k), IRA Accounts and an Education Account of November 3, 2014;
12. Memorandum of J. Chris Lindgren in Opposition to Plaintiff's Motion to Set Aside and Execute of November 10, 2014;
13. Affidavit of J. Christopher Lindgren dated October 28, 2014
14. Email from Judge Dukes to counsel on January 16, 2015
15. Email from Lindgren's counsel to Judge Dukes on January 19, 2015, w/ attachment
16. Amended Memorandum of J. Christopher Lindgren in Opposition to Plaintiff's Motion to Set Aside and Execute of January 19, 2015;
17. Email from Bank's counsel to Judge Dukes on January 19, 2015
18. Order of June 11, 2015;
19. J. Chris Lindgren's Motion to Reconsider and for Stay of Execution of Judgment of June 22, 2015;
20. Transcript of July 8, 2015 hearing on motion to reconsider
21. Email from Bank's counsel to Judge Dukes on July 15, 2015 w/o attachments
22. Email from Lindgren's counsel to Judge Dukes on July 16, 2015 w/o attachments
23. First Citizens Bank and Trust Company, Inc.'s Reply Memorandum in Opposition to J. Chris Lindgren's Motion for Reconsideration of July 20, 2015;
24. Order Denying J. Chris Lindgren's Motion to Reconsider and for Stay of Execution of October 7, 2015 (2011-CP-07-128);
25. Order Denying J. Chris Lindgren's Motion to Reconsider and for Stay of Execution of October 7, 2015 (2011-CP-07-129);

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



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Keating L. Simons, III  
SIMONS & DEAN  
147 Wappoo Creek Drive, Suite 604  
Charleston, SC 29412

February 29, 2016

Attorneys for Appellant/Respondent

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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The Honorable Marvin H. Dukes, III  
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Blue Ox, LLC and J. Chris Lindgren,

Defendants,

Of whom J. Chris Lindgren is the

Appellant/Respondent.

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PROOF OF SERVICE

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I, Debra Y. Coffey, a paralegal with the Law Offices of Simons & Dean, do hereby certify that I have served counsel in this action with a copy of the foregoing Designation of Matter of Appellant/Respondent to the Respondent/Appellant upon the below named by mailing a copy of same via U.S. Mail, postage prepaid, and properly addressed as follows:

**RECEIVED**

MAR 03 2016

**SC Court of Appeals**

Joey Randell Floyd, Esquire  
BRUNER, POWELL, WALL & MULLINS, LLC  
P.O. Box 61110  
Columbia, SC 29260

Robert Crum Osborne, III, Esquire  
BRUNER, POWELL, WALL & MULLINS, LLC  
P.O. Box 61110  
Columbia, SC 29260

This 29th day of February, 2016.

LAW OFFICES OF SIMONS & DEAN

BY: 

Debra Y. Coffey, Paralegal

# SIMONS & DEAN

ATTORNEYS AT LAW

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February 29, 2016

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SC Court of Appeals

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

RE: First Citizens Bank and Trust Company, Inc. v. Blue Ox, LLC and J. Chris Lindgren, Defendants of Whom J. Chris Lindgren is the Appellant/Respondent  
Civil Action Nos.: 2011-CP-07-128 and 2011-CP-07-129  
Appellate Case No. 2015-002156

Dear Ms. Kitchings:

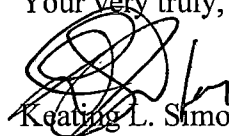
In connection with the above referenced, please find enclosed the original and two copies of:

1. The Initial Reply Brief of Appellant/Respondent together with the Proof of Service;
- and
2. Appellant/Respondent's Designation of Matter together with the Proof of Service.

Upon filing, please return to our office a clocked-in copy of each in the enclosed self addressed and stamped envelope.

With best regards, I am

Your very truly,

  
Keating L. Simons, III

KLS/dc

Enclosures

cc: Joey Randell Floyd, Esquire (w/enclosures)  
Robert Crum Osborne, III, Esquire (w/enclosures)



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ONS & DEAN  
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