

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

Case No. 2015-002156

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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.



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

February 29, 2016

Attorneys for Appellant/Respondent

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PROOF OF SERVICE

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:

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

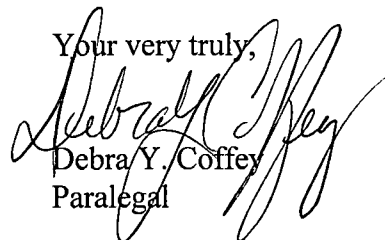
Dear Ms. Kitchings:

Pursuant to your letter dated February 25, 2016, please find enclosed an original and two copies of the Designation of Matter in connection with the Respondent's Initial Brief for the Appellant/Respondent together with the Proof of Service.

Please return a clocked-in copy of each in the enclosed self addressed and stamped envelope.

With best regards, I am

Your very truly,

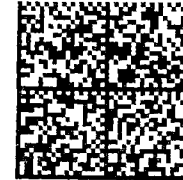


Debra Y. Coffey
Paralegal

/dc

Enclosures

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



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