

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Commons Pleas

Roger M. Young, Circuit Court Judge

RECEIVED

MAR 21 2016

Appellate Case No. 2015-001809

SC Court of Appeals

Skywaves I Corporation Appellant/Respondent,

v.

Branch Banking and Trust Company,
Successor in merger to Branch Banking
and Trust Company of SC, a/k/a BB&T..... Respondent/ Appellant,

and James Edahl, Respondent.

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

Respondent proposes the following to be included in the Record on Appeal:

1. Circuit Court Order filed Nov. 8, 2011;
2. Circuit Court Order filed June 15, 2012;
3. Circuit Court Order filed March 17, 2014;
4. Circuit Court Order filed Feb. 9, 2015;
5. Circuit Court Order filed July 27, 2015;
6. Court of Appeals Order filed Aug. 20, 2012;
7. Complaint;

8. First Amended Complaint;
9. BB&T's Amended Answer to First Amended Complaint;
10. Edahl's Amended Answer to First Amended Complaint;
11. Edahl's Motion and Memorandum in Support of Motion to Dismiss Amended Complaint;
12. Notice of Appeal filed Dec. 28, 2011;
13. Motion to Withdraw Appeal dated July 17, 2012;
14. Skywaves' Motion to Strike Defendants Answers filed Jan. 17, 2014;
15. Edahl Affidavit dated Feb. 11, 2014;
16. Edahl's Motion to Amend Answer dated Mar. 3, 2014;
17. Edahl's Response to Plaintiff's Motion to Strike Answers dated Mar. 12, 2014;
18. BB&T's Motion to Strike Plaintiff's Jury Demand dated July 24, 2014;
19. Edahl's Motion to Strike Plaintiff's Jury Demand dated July 28, 2014;
20. BB&T's Motion for Summary Judgment dated July 24, 2014;
21. Edahl's Motion for Summary Judgment dated July 28, 2014;
22. Defendants' Exhibits in Support of Motions for Summary Judgment and to Strike Plaintiff's Demand for Jury Trial (Exhibits A-V4);
23. BB&T's Memorandum in Support of Motion for Summary Judgment dated Dec. 22, 2014;
24. Edahl's Memorandum in Support of Motion for Summary Judgment dated Dec. 22, 2014;
25. Edahl's Memorandum in Support of Motion to Strike Plaintiff's Jury Demand dated Dec. 22, 2014;
26. BB&T's Memorandum in Support of Motion to Strike Plaintiff's Jury Demand dated Dec. 22, 2014;
27. Skywaves' Memorandum in Opposition to Motions for Summary Judgment, dated Apr. 7, 2015.

28. Edahl's Reply to Plaintiff's Memorandum in Opposition to Motions to Strike Jury Demand dated Jan. 12, 2015;
29. BB&T's Reply to Plaintiff's Memorandum in Opposition to Motions to Strike Jury Demand dated Jan. 12, 2015;
30. Circuit Court Transcript of Record, Jan. 12, 2015;
31. Mendoza Letter to Judge Young, dated Jan. 15, 2015;
32. Skywaves' Motion, and Memorandum in Support of Motion, to Amend First Amended Complaint, filed Apr. 13, 2015;
33. Skywaves' Motion to Strike Answers, filed Apr. 16, 2015;
34. Edahl's Response in Opposition to Plaintiff's Motion to Reconsider the Order Striking Plaintiff's Jury Demand, dated Apr. 24, 2015;
35. BB&T's Memorandum in Opposition to Plaintiff's Motion to Reconsider the Order Striking Plaintiff's Jury Demand, dated Apr. 27, 2015;
36. Edahl's Reply in Support of Motion for Summary Judgment, dated Apr. 24, 2015;
37. BB&T's Reply in Support of Motion for Summary Judgment, dated Apr. 24, 2015.
38. Edahl's Response to Plaintiff's Motion to Amend First Amended Complaint, dated Apr. 24, 2015;
39. Edahl's Response to Plaintiff's Motion to Strike Answers, filed Apr. 27, 2015;
40. Deposition of Ronald Konersmann, pp. 22-23, 27-28, 51, 110-111, 138, 169-170, 221, 303-304, 310.
41. Deposition of John Voytko, pp. 25-26, 32, 36-37, 151, 175-176, 187-188, 206-207.
42. Ronald Konersmann Résumé;
43. Factoring Agreement, and amendments thereto;
44. Feb. 8, 2008 Email from Hewlette to Edahl;
45. Mar. 2, 2007 Letter from Edahl to John Voytko;

46. Mar. 14, 2007 Letter from Edahl to Voytko;
47. Default letter of Jan. 25, 2008;
48. Feb. 11, 2008 Letter from Licata to Konersmann;
49. 2007 Projected Financials;
50. Revised 2007 Projected Financials;
51. 2007 year-end Financials.

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



J.W. Nelson Chandler
CORRIGAN & CHANDLER LLC
PO Box 547
Charleston, SC 29402
Phone: (843) 577-5410
Fax: (843) 577-5650
Email: nelson@corriganhandler.com

ATTORNEYS FOR RESPONDENT
JAMES EDAHL

March 17, 2016

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and James Edahl, Respondent.

PROOF OF SERVICE

I certify that I have served the foregoing **INITIAL BRIEF OF RESPONDENT** and **RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** on all parties of record by depositing a copy of them in the United States Mail, postage prepaid, on March 17, 2016, addressed to their attorneys of record as follows:

M. Dawes Cook Jr., Esquire
John W. Fletcher, Esquire
Barnwell, Whaley, Patterson & Helms, LLC
288 Meeting Street, Suite 200
Charleston, SC 29401

George J. Kefalos, Esquire
George J. Kefalos, PA
46A State Street
Charleston, SC 29401

Attorneys for Appellant/Respondent

Attorney for the Appellant/Respondent

Brian C. Duffy, Esquire
John P. Linton, Esquire
Duffy & Young, LLC
96 Broad Street
Charleston, SC 29401

Attorneys for Appellant/Respondent

Kirsten E. Small, Esquire
Nexsen Pruet, LLC
55 E. Camperdown Way, 4th Floor
P.O. Drawer 10648
Greenville, SC 29603

Attorneys for Respondent/Appellant

Molly Hughes Cherry, Esquire
Nexsen Pruet, LLC
205 King Street, Suite 400
P.O. Box 486
Charleston, SC 29402

Attorneys for Respondent/Appellant

Andrew K. Epting Jr., Esquire
Andrew K. Epting Jr., LLC
46A State Street
Charleston, SC 29401

Attorneys for Appellant/Respondent

Julio E. Mendoza Jr., Esquire
Nexsen Pruet, LLC
1230 Main Street, Suite 700
P.O. Drawer 2426
Columbia, SC 29202

Attorneys for Respondent/Appellant



J.W. Nelson Chandler
CORRIGAN & CHANDLER LLC
PO Box 547
Charleston, SC 29402
Phone: (843) 577-5410
Fax: (843) 577-5650
Email: nelson@corriganchandler.com

ATTORNEYS FOR RESPONDENT
JAMES EDAHL

CORRIGAN & CHANDLER LLC

ATTORNEYS AT LAW

J.W. Nelson Chandler
(843) 577-5430 (direct)
nelson@corriganhandler.com

REPLY TO:
P.O. Box 547
Charleston, SC 29402

March 17, 2016

VIA U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
P.O. Box 11629
Columbia, SC 29211

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MAR 21 2016

SC Court of Appeals

Re: *Skywaves I Corporation v. Branch Banking and Trust Company,
Successor in merger to Branch Banking and Trust Company of SC, a/k/a
BB&T, and James Edahl*
Appellate Case No. 2015-001809

Dear Ms. Kitchings:

Enclosed for filing is an original and one copy of the Initial Brief of Respondent, Respondent's Designation of Matter to be Included in the Record On Appeal, and Proof of Service in the above-captioned case. Please file the original and return the clocked copy to me in the enclosed self-addressed stamped envelope.

By copy of this letter, we are serving counsel for Appellant/Respondent and Respondent/ Appellant with a copy of the enclosed.

Should you have any questions, please let us know.

With highest professional regards, I am

Respectfully yours,



J.W. Nelson Chandler

Enclosures (as noted)

cc: M. Dawes Cooke Jr., Esquire (w/enclosures)
John W. Fletcher, Esquire (w/enclosures)
Molly Hughes Cherry, Esquire (w/enclosures)
Julio E. Mendoza, Esquire (w/enclosures)

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
March 17, 2016
Page 2 of 2

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