

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Hon. Roger M. Young, Circuit Court Judge

Appellate Case No. 2015-001809

RECEIVED

MAR 21 2016

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/APPELLANT'S AMENDED DESIGNATION OF MATTER
TO THE RECORD ON APPEAL**

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

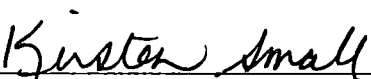
1. First Amended Complaint;
2. BB&T's Answer to First Amended Complaint;
3. BB&T's Amended Answer to First Amended Complaint;
4. James Edahl's Amended Answer to First Amended Complaint;
5. Order of Oct. 26, 2011 (granting Edahl's motion to dismiss and BB&T's motion to dismiss in part);
6. Order of Nov. 8, 2011
7. Order of June 14, 2012 (granting Skywaves' motion to reconsider);
8. Order of Mar. 17, 2014
9. Order of Feb. 9, 2015

10. Order of July 27, 2015 (granting in part and denying in part BB&T's and Edahl's motions for summary judgment);
11. Skywaves' Motion to Strike Answers (first);
12. Skywaves' Motion to Strike Answers (second);
13. Deposition of Ronald Konersmann, pages 51, 27-44, 191-192, 152, 221,303-304, 310, 337, 169-170, 124-125, 138, 342-343, 345, 122-123;
14. Deposition of John Voytko, pages 36-37, 151, 63-66, 64, 69, 86, 81-82, 55, 59, 118, 115, 169-170,173, 68-69, 150-151, 194-195;
15. Deposition of James Edahl, pages 46-50, 78-81;
16. Affidavit of James Edahl
17. Deposition of Michael Burke, pages 21-25, 32-33, 50-51, 33, 60, 66;
18. Ronald Konersmann CV;
19. Feb. 15, 2006 Email from Castlen Morris to John Voytko;
20. June 5, 2006 Email from Castlen Morris to John Voytko;
21. Feb. 14, 2007 Email from Castlen Morris to John Voytko;
22. March 25, 2006 Email from Castlen Morris to John Voytko
23. May 8, 2007 Email from John Voytko to Castlen Morris;
24. Feb. 2, 2008 Email from Earl Hewlette to James Edahl;
25. Feb. 8, 2008 Email from Earl Hewlette to James Edahl;
26. Nov. 5, 2007 Email from John Voytko to James Edahl and Castlen Morris, with attachments;
27. June 5, 2005, Letter from Castlen Morris to Ronald Konnersmann and John Voytko;
28. March 14, 2007 Letter from James Edahl to John Voytko;
29. March 2, 2007 Letter from James Edahl to John Voytko
30. Factoring Agreement;
31. May 11, 2006 Amendment to Factoring Agreement;
32. 2007 Projected Financials
33. Revised 2007 Projected Financials
34. 2007 year-end Financials
35. Default Letter of Jan. 25, 2008;
36. Sept. 2007 Notes;

37. Feb. 11, 2008 Letter from Steven Licata to Ronald Konersmann;
38. Field Examiner's Report (January 2008);
39. BB&T's Answers to Supplemental Interrogatories.

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

Respectfully submitted,



Kirsten E. Small, Esquire
NEXSEN PRUET, LLC
55 E. Camperdown Way, 4th Floor (29601)
Post Office Drawer 10648
Greenville, SC 29603
Telephone: 864.370.2211
Email: ksmall@nexsenpruet.com

Julio E. Mendoza, Jr., Esquire
NEXSEN PRUET, LLC
1230 Main Street, Suite 700 (29201)
Post Office Drawer 2426
Columbia, SC 29202
Telephone: 803.540.2026
Email: rmendoza@nexsenpruet.com

Molly Hughes Cherry, Esquire
NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
Post Office Box 486
Charleston, SC 29402
Telephone: 843.577.9440
Email: mcherry@nexsenpruet.com

*Attorneys for Respondent / Appellant Branch Banking
and Trust Company, Successor in Merger to Branch
Banking and Trust Company of SC, a/k/a BB&T*

Greenville, South Carolina
March 17, 2016

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Hon. Roger M. Young, Circuit Court Judge

RECEIVED

Appellate Case No. 2015-001809

MAR 21 2016

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,

PROOF OF SERVICE

I certify that I have served BB&T's Initial Respondent's Brief of Respondent/Appellant and Amended Designation of Matter to the Record on Appeal upon the Appellant/Respondent, Skywaves I Corporation and the Respondent, James Edahl by depositing a copy via U.S. Mail on March 17, 2016, to all counsel of record listed below.

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

Attorneys For Appellant/Respondent

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

Attorneys For Appellant/Respondent

J.W. Nelson Chandler, Esquire
Corrigan & Chandler, LLC
P.O. Box 547
Charleston, SC 29401


Attorney For Respondent

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

Attorneys For Appellant/Respondent

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

Attorneys For Appellant/Respondent



Kirsten E. Small, Esquire
NEXSEN PRUET, LLC
55 E. Camperdown Way, 4th Floor
(29601)
Post Office Drawer 10648
Greenville, SC 29603
Telephone: 864.370.2211
Email: ksmall@nexsenpruet.com

Attorneys for Respondent / Appellant

NEXSEN | PRUET

Kirsten E. Small
Member
Admitted in SC, NC, MD

March 17, 2016

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

RECEIVED

MAR 21 2016

SC Court of Appeals

Re: *Skywaves I Corporation v. Branch Banking and Trust Company, et al.*
Appellate Case No. 2015-001809

Dear Ms. Kitchings:

Regarding the above-referenced case, enclosed please find the original and one copy of BB&T's Initial Respondent's Brief of Respondent/Appellant and Respondent/Appellant's Amended Designation of Matter to the Record on Appeal. Please file the originals and return the file-stamped copies in the enclosed, postage-paid envelope. By copy of this letter, I have served counsel for Appellant/Respondent and counsel for Respondent, as indicated in the Proof of Service.

Charleston

Charlotte

Columbia

Greensboro

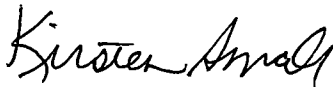
Greenville

Hilton Head

Myrtle Beach

Raleigh

Sincerely,



Kirsten E. Small

KES/vgp

cc: Counsel of Record