

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HAMPTON COUNTY  
Court of Common Pleas  
The Honorable Perry M. Buckner, III

**RECEIVED**

MAY 04 2016

**SC Court of Appeals**

Case No. 2015-001947

Alice Hazel, as GAL for Jacob N., ..... Respondent,

v.

Blitz U.S.A., Inc., Fred's, Inc., Tiger Express Varnville LLC, and James Nix,...Defendants.

Of Whom Fred's, Inc. is the ..... Appellant.

And

Melinda Cook, ..... Respondent,

v.

Blitz U.S.A., Inc., Fred's Inc., Tiger Express Varnville LLC, and James Nix,...Defendants.

Of Whom Fred's, Inc. is the .....Appellant.

DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL

Respondents propose the following to be included in the Record on Appeal, with proper redactions of the minor's full name pursuant to Rule 41.2(a)(2), SCRCP:

1. Cook Notice of Appeal, filed September 21, 2015
2. Hazel Notice of Appeal, filed September 21, 2015
3. Orders:
  - a. Order Denying Fred's, Inc.'s Motion to Enjoin, filed November 18, 2014

- b. Cook Order Denying Fred's, Inc.'s Motion to Reconsider, filed July 9, 2015
- c. Hazel Order Denying Fred's, Inc.'s Motion to Reconsider, filed July 9, 2015

4. Pleadings:

- a. Hazel Complaint, filed November 5, 2013
- b. Cook Complaint, filed November 5, 2013
- c. Fred's Answer to Hazel's Complaint, dated February 4, 2014
- d. Fred's Answer to Cook's Complaint, dated February 4, 2014
- e. Fred's Motion to Permanently Enjoin or Alternatively to Stay Proceedings as to Defendant Fred's Stores of Tennessee, Inc., dated August 26, 2014 (Cook)
  - i. Including all exhibits
- f. Fred's Motion to Permanently Enjoin or Alternatively to Stay Proceedings as to Defendant Fred's Stores of Tennessee, Inc., dated August 26, 2014 (Hazel)
- g. Plaintiff's Memorandum in Opposition to Defendant Fred's Motions to Permanently Enjoin or Alternatively to Stay Proceedings
  - i. Including all exhibits
    - 1. Exh. A: Jan. 30, 2014 Confirmation Order
    - 2. Exh. B: Dec. 19, 2013 Amended Joint Plan of Liquidation
      - a. Including all exhibits, **except** Exhibit 9 (BAH Settlement Term Sheet)
    - 3. Exh. C: Term Sheet (presented with Motion to Approve Settlement)
- h. Fred's Motion for Reconsideration, dated January 15, 2015 (Cook)
- i. Fred's Motion for Reconsideration, dated January 15, 2015 (Hazel)
- j. Hazel Amended Complaint, filed October 1, 2015
- k. Cook Amended Complaint, filed October 1, 2015

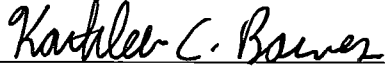
5. Transcripts of Proceedings:

- a. October 27, 2014, pp. 1-4, 9, 14-18, 23, 26-27
- b. June 15, 2015, pp. 1-16

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

May 2, 2016

Respectfully submitted,



Kathleen Chewning Barnes  
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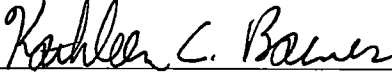
Of Whom Fred's, Inc. is the ..... Appellant.

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing *Respondents' Initial Brief* and *Designation of Matter* has been served upon the following counsel of record by mailing one copy by United States Mail, addressed as shown below this 2nd day of May, 2016.

Matthew C. LaFave  
CROWE LAFAVE, LLC  
Post Office Box 1149  
Columbia, SC 29202

May 2, 2016

  
Kathleen Chewning Barnes, SC Bar No. 78854  
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# BARNES

LAW FIRM | LLC

Kathleen C. Barnes

Admitted: Georgia | South Carolina

May 2, 2016

**Via U.S. Mail**

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

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SC Court of Appeals

Re: *Alice Hazel, as GAL for Jacob N., and Melinda Cook v. Fred's, Inc.*  
Appellate Case No. 2015-001947

Dear Ms. Kitchings:

Enclosed for filing please find the original and one copy Respondents' Alice Hazel, as GAL for Jacob N., and Melinda Cook, Initial Brief of Respondent and Designation of Matter to be Included in the Record on Appeal in the above-referenced case. Also enclosed is proof of service of the Brief and Designation of Matter.

Please file the documents and return one file-stamped copy to me in the enclosed self-addressed, stamped envelope. By copy of this letter, I am serving all counsel of record with a copy of the same.

If you have any questions, please do not hesitate to contact me. Thank you.

With kind regards, I am,

BARNES LAW FIRM, LLC



Kathleen C. Barnes

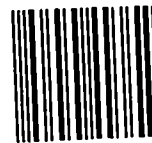
Enclosures

cc: Matthew C LaFave  
Mark D. Ball (via e-mail)

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The Honorable Jenny Abbott Kitchings  
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