

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2016-000432

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MAY 02 2016

SC Court of Appeals

Linda A. Gibson, individually and in capacity as
Trustee of the PAUL WILLIAM GIBSON FAMILY TRUST;
HERITAGE SEVEN, LLC; SEVEN OAKS APARTMENTS, LLC;
and 3205 PALM BOULEVARD, LLC, Appellants,

v.

ANDREW K. EPTING, JR., LLC; Andrew K. Epting, Jr.;
GEORGE J. KEFALOS, P.A.; George J. Kefalos;
GEDNEY M. HOWE, III, P.A.; Gedney M. Howe, III;
JOHN S. WEST, ATTORNEY-AT-LAW, LLC; and John S. West, Respondents.

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

Appellants proposes the following be included in the Record on Appeal:

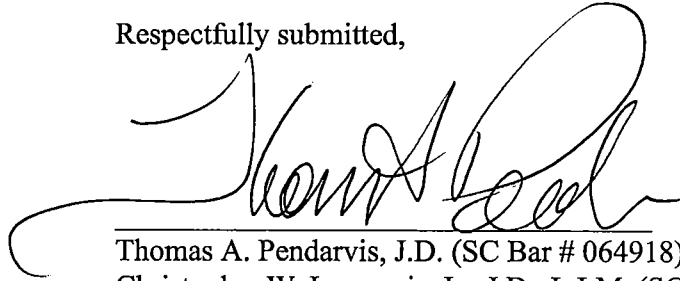
1. Order granting Defendant's Motion for Summary Judgment, dated January 5, 2016;
2. Order denying Plaintiff's Motion for Reconsideration, filed February 5, 2016;
3. Plaintiffs' Complaint, dated July 30, 2013;
4. Plaintiffs' Second (sic.) Amended Complaint, dated January 13, 2014;
5. Plaintiffs' Second Amended Complaint, dated October 22, 2015;
6. Hearing Transcript, p. 27, 21-25, dated October 20, 2015;
7. Plaintiffs' Opposition and Cross Motion for Summary Judgment, dated August 11, 2015;
8. Plaintiffs' Supplemental Identification of 702 Witness Desa Ballard, dated August 11, 2015;
9. Plaintiffs' Notice of Motion and Motion for Reconsideration and Alter or Amend Judgment, filed January 15, 2016;

10. Plaintiffs' Memorandum of Law in Support of Motion for Reconsideration, dated January 15, 2016;
11. Deposition of Andrew K. Epting, Jr., dated September 10, 2014, 35:1-7; 43:1-5; 52:9-13; 57:5-11; 65:1-25; 78:21-25; 79:15; 81:1-25; 110:24; 111:1-4; 145:1-11; 148:1-25; 178:17-25;
12. Deposition of Linda A. Gibson, dated May 7, 2015, 108:2; 109:8-25-110:22; 119:2-21; 152:12-154:23, 155:1-157:25; 165:7; 171:1-20; 180:10-185:8; 199:15-16; 262:16-25;
13. Deposition of Robert L. Papa, dated April 28, 2015, 13:1-25;
14. Deposition of George J. Kefalos, September 18, 2014 24:23; 27:10-25; 28:1-20; 71:1-5; 96:9-10;
15. Deposition of Michael Danhour, dated September 9, 2015, 6:31-25; 16:1-18; 20:1-25; 22:1-25; 23:1-25; 25:1-25; 26:1-15; 30:1-20; 43:1-16; 92:1-25; 94:1-25;
16. Deposition of Gedney M. Howe, III, dated September 11, 2014, 9:1-15; 14:1-25; 15:1-25, 22:1-25; 23:1-25; 24:1-25; 25:1-25; 35:11-15;
17. Deposition of John S. West, dated September 11, 2014, 12:1-13:25;
18. Affidavit of Linda A. Gibson, dated July 30, 2013;
19. Affidavit of Desa Ballard, dated November 18, 2013;
20. Affidavit of Linda A. Gibson, dated January 12, 2015;
21. Affidavit of Michael Danhour, dated August 21, 2015;
22. Affidavit of Harry A. Swagart, III dated October 16, 2015;
23. Affidavit of Ian McVey, dated October 19, 2015;
24. Affidavit of Linda A. Gibson, dated October 15, 2015;
25. Affidavit of Desa Ballard, dated January 14, 2016;
26. Affidavit of Harry A. Swagart, III, dated January 14, 2016;
27. Amended Supplemental Affidavit of Desa Ballard, dated January 14, 2016;
28. Plaintiff's Memorandum in Opposition and Cross Motion for Summary Judgment, dated August 11, 2015;
29. Ameris Complaint;
30. Epting to Papa email, dated Feb. 4, 2010;
31. April 7, 2010 fee agreement;
32. Epting letter to Gibson, dated July 9, 2010
33. McVey letter to Epting, dated Aug. 12, 2010;
34. Epting letter to McVey, dated Aug. 12, 2010;
35. McVey letter to Epting, dated Oct. 18, 2010;
36. Kefalos letter to West, dated Sep. 23, 2010;
37. Epting email to McVey dated Oct. 21, 2010;
38. Epting email to McVey, dated Oct. 22, 2010;
39. McVey letter to Epting, dated Oct. 25, 2010;
40. Epting letter to McVey, dated Nov. 3, 2010;
41. McVey letter to Epting, dated Nov. 4, 2010;
42. McVey letter to Epting, dated Nov. 8, 2010;
43. November 18, 2010 fee document;
44. Mortgages, recorded on December 8, 2010;
45. Kefalos letter to Tecklenburg, dated Oct. 29, 2010; and

46. Callison & Tighe and Rosen Hagood Invoices, dated Nov. 2010 through Jan. 4, 2011.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas A. Pendarvis', written over a horizontal line.

Thomas A. Pendarvis, J.D. (SC Bar # 064918)
Christopher W. Lempesis, Jr., J.D., L.L.M. (SC Bar #
77012)
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Counsel for Appellants

April 27, 2016

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr. Circuit Court Judge

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vs.

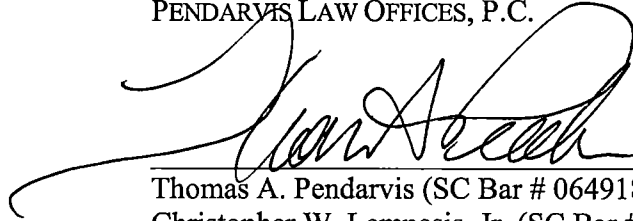
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GEDNEY M. HOWE, III, P.A.; Gedney M. Howe, III;
JOHN S. WEST, ATTORNEY-AT-LAW, LLC; and John S. West. Respondents.

PROOF OF SERVICE

I, Thomas A. Pendarvis, a lawyer with PENDARVIS LAW OFFICES, P.C., certify that I have served one (1) copy of the INITIAL BRIEF OF APPELLANTS and one (1) copy of APPELLANTS' DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL on counsel for Respondents, by electronic mail and by depositing a copy of the same in the United States Mail, postage prepaid, on the 27th day of April, 2016 addressed to:

M. Dawes Cooke, Jr., J.D.
Jeremy E. Bowers, J.D.
BARNWELL, WHALEY PATTERSON & HELMS, LLC
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Counsel for Appellants

April 27, 2016

Beaufort, SC 29902

PENDARVIS LAW OFFICES, PC



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VIA US MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Attention: V. Claire Allen
Post Office Box 11629
Columbia, South Carolina 29211

**Re: Linda A. Gibson, et. al., v. Andrew K. Epting, Jr., et.al.
Appellate Case No. 2016-000432**

Dear Ms. Kitchings:

Enclosed for filing please find the original and one copy of the INITIAL BRIEF OF APPELLANT, APPELLANT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL, and PROOF OF SERVICE in regard to the above-referenced matter.

Kindly return the clocked copies in the stamped, self-addressed return envelope enclosed for your convenience.

With kind regards, I remain

Sincerely,

PENDARVIS LAW OFFICES, P.C.

Thomas A. Pendarvis

TAP/mw
Enclosures

cc w/encls: M. Dawes Cooke, J.D.
Jeremy E. Bowers, J.D.
James R. Davis, J.D.
Linda A. Gibson

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