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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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MAY 31 2016

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

SC Court of Appeals

Hon. Roger M. Young, Circuit Court Judge

Appellate Case No. 2015-001809

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,

CONSENT MOTION OF RESPONDENT/APPELLANT
TO FILE AMENDED DESIGNATIONS OF MATTER
TO THE RECORD ON APPEAL

Respondent/Appellant Branch Banking and Trust Company, Successor
in Merger to Branch Banking and Trust Company of SC, a/k/a BB&T
("BB&T"), with the consent of Appellant/Respondent Skywaves I Corporation
and Respondent James Edahl, respectfully moves for leave to file an
Amended Revised Designation of Matter (attached hereto as Exhibit A) and
an Amended Supplemental Designation of matter (attached hereto as Exhibit
B). In support of this motion, BB&T states as follows:

1. On March 17, 2016, BB&T filed and served its Initial Respondent's Brief of Respondent/Appellant and an Amended Designation of Matter to the Record on Appeal.

2. On April 12, 2016, BB&T filed and served its Initial Reply Brief of Respondent/Appellant and a Supplemental Designation of Matter to the Record on Appeal.

3. BB&T now wishes to file amended versions of the foregoing documents in order to:

- a. Correct typographical errors and omit duplicate designations; and
- b. Delete inadvertent designations of materials not in the record below and replace with alternative designations.

4. The proposed amended designations are attached hereto as Exhibits A and B.

5. This request is made in good faith and not for purposes of delay or inconvenience.

6. Counsel for Appellant/Respondent Skywaves I Corporation and Respondent James Edahl have consented to the relief requested herein.

WHEREFORE, BB&T respectfully requests that it be permitted to serve and file an Amended Revised Designation of Matter and an Amended Supplemental Designation of Matter.

WE SO MOVE:

Kirsten Small
Kirsten E. Small
Julio E. Mendoza, Jr.
Molly Hughes Cherry
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*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 24, 2016
JS

WE CONSENT:

George Kefalos *vs*
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*Attorneys for Appellant/Respondent
Skywaves I Corporation*

Nelson Chandler *vs*
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Attorneys For Respondent James Edahl

THE STATE OF SOUTH CAROLINA
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And

James Edahl, Respondent,

PROOF OF SERVICE

I, Kirsten E. Small, Esquire, hereby certify that on the 25th day of
May, 2016, I served a copy of the **Consent Motion of Respondent/
Appellant to File Amended Designations of Matter to the Record on
Appeal** via United States Mail, postage prepaid, and addressed as follows:

Attorneys for Appellant/Respondent:

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

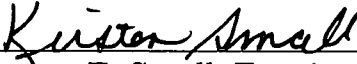
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George J. Kefalos, Esquire
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Attorneys for Respondent:

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Kirsten E. Small, Esquire

Exhibit A

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Hon. Roger M. Young, Circuit Court Judge

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SC Court of Appeals

Skywaves I Corporation,Appellant/Respondent,

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Branch Banking and Trust Company,
Successor in Merger to Branch Banking and Trust
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And

James Edahl, Respondent,

**RESPONDENT/APPELLANT'S AMENDED REVISED 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 (entered Nov. 8, 2011) (granting Edahl's motion to dismiss and BB&T's motion to dismiss in part);
6. Order of June 14, 2012 (granting Skywaves' motion to reconsider);
7. Order of Mar. 17, 2014;
8. Order of Feb. 9, 2015;

9. Order of July 27, 2015 (granting in part and denying in part BB&T's and Edahl's motions for summary judgment);
10. Skywaves' Motion to Strike Answers (first);
11. Skywaves' Motion to Strike Answers (second);
12. Deposition of Ronald Konersmann, pages 27-44, 51, 122-125, 138, 152, 169-170, 191-192, 221, 303-304, 310, 337, 342-343, 345;
13. Deposition of John Voytko, pages 36-37, 55, 59, 63-66, 64, 68-69, 81-82, 86, 98-100, 115, 118, 150-151, 169-170, 173, 194-195;
14. Deposition of James Edahl, pages 46-50, 78-81;
15. Affidavit of James Edahl;
16. Deposition of Michael Burke, pages 21-25, 32-33, 50-51, 60, 66;
17. Ronald Konersmann CV;
18. Feb. 15, 2006 Email from Castlen Morris to John Voytko;
19. June 5, 2006 Email from Castlen Morris to John Voytko;
20. Feb. 14, 2007 Email from Castlen Morris to John Voytko;
21. March 25, 2006 Email from Castlen Morris to John Voytko
22. May 8, 2007 Letter from John Voytko to Castlen Morris;
23. Feb. 8, 2008 Email from Earl Hewlette to Michael Hennessy;
24. Nov. 5, 2007 Email from John Voytko to James Edahl and Castlen Morris, with attachments;
25. June 1, 2005, Letter from Castlen Morris to Ronald Konnersmann and John Voytko;
26. March 14, 2007 Letter from James Edahl to John Voytko;
27. March 2, 2007 Letter from James Edahl to John Voytko
28. Factoring Agreement;
29. May 11, 2006 Amendment to Factoring Agreement;
30. 2007 Projected Financials;
31. Revised 2007 Projected Financials;
32. 2007 year-end Financials;
33. Default Letter of Jan. 25, 2008;
34. Sept. 2007 Notes;
35. Feb. 11, 2008 Letter from Steven Licata to Ronald Konersmann;
36. Field Examiner's Report (January 2008);

37. BB&T's Answers to Supplemental Interrogatories.

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

Respectfully submitted,



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

Greenville, South Carolina
May 18, 2016

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Exhibit B

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Hon. Roger M. Young, Circuit Court Judge

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Company of SC, a/k/a BB&T, Respondent/Appellant,

And

James Edahl, Respondent,

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

In addition to materials previously designated, Respondent/Appellant proposes the following to be included in the Record on Appeal:

1. First Amended Complaint;
2. Deposition of BB&T (Rule 30(b)(6)), pages 64-65, 107-108, 110, 144;
3. Deposition of Mike Hennessy, page 23;
4. Deposition of Ronald Konersmann, pages 124-125, 169-170, 342-343;
5. Deposition of Castlen Morris, pages 57-58, 65-67;
6. Deposition of John Voytko, pages 98-100, 194-195;
7. Factoring Agreement (including related documents, renewals, and written modifications);
8. February 15, 2006 Email from Castlen Morris to John Voytko;

9. June 5, 2006 Email from Castlen Morris to John Voytko;
10. February 14, 2007 Email from Castlen Morris to John Voytko;
11. February 24, 2007 Email from Castlen Morris to John Voytko;
12. March 2, 2007 Letter from James Edahl to John Voytko;
13. September 7, 2007 Email from Walter Denning to Jim Edahl;
14. September 18, 2007 Email from John Voytko to Castlen Morris;
15. November 12, 2007 Memo form Jim Edahl to Walter Denning;
16. January 24, 2008 Memo from Mike Burke to Phil Allard;
17. 2007 Projected Financials;
18. Revised 2007 Projected Financials;
19. 2007 year-end Financials;
20. Default Letter of Jan. 25, 2008;
21. September 2007 Notes by John Voytko;
22. January 2008 Field Audit Report.

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

Respectfully submitted,



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

Greenville, South Carolina
May 16, 2016

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NEXSEN | PRUET

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

May 25, 2016

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MAY 31 2016

SC Court of Appeals

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

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 7 copies of BB&T's Consent Motion of Respondent/Appellant to File Amended Designations of Matter to the Record on Appeal. Please file the original and return the file-stamped copy 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.

Sincerely,



Kirsten E. Small

KES/vgp

cc: Counsel of Record

- Charleston
- Charlotte
- Columbia
- Greensboro
- Greenville**
- Hilton Head
- Myrtle Beach
- Raleigh