

RECEIVED

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

JUL 19 2016

SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Fourteenth Judicial Circuit

Marvin H. Dukes, III, Master in Equity/Special Circuit Court Judge

Appellate Case No. 2016-000537

TD Bank N.A., Successor by Merger
to Carolina First Bank.....Plaintiff/Respondent,

v.

Black Diamond, LLC; J. Christopher
Lindgren; David A. Brosman;
Julie H. King; and The Greenery, Inc.....Defendants,

Of Whom

Black Diamond, LLC; J. Christopher
Lindgren; David A. Brosman are.....Appellants.

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

Michael J. Bogle (S.C. Bar No. 71125)

Email: mbogle@wcsr.com

Clayton M. Custer (S.C. Bar No. 68495)

Email: ccuster@wcsr.com

Catherine Wrenn (S.C. Bar No. 76042)

Email: cwrenn@wcsr.com

WOMBLE CARLYLE SANDRIDGE & RICE, LLP

550 South Main Street

Suite 400

Greenville, SC 29601

Telephone: (864) 255-5400

*Attorneys for Respondent TD Bank N.A.,
Successor by Merger to Carolina First Bank*

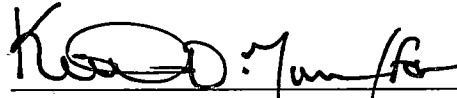
In addition to those matters designated by Appellants, Respondent TD Bank N.A., Successor by Merger to Carolina First Bank (“**TD Bank**”) proposes that the following (including any attachments or exhibits thereto) be included in the Record on Appeal:

1. TD Bank’s Reply to Defendants Black Diamond, LLC and J. Christopher Lindgren’s Answer and Counterclaims (May 24, 2012);
2. TD Bank’s Reply to Defendant David A. Brosman’s Answer and Counterclaims (June 11, 2012);
3. TD Bank’s Motion for Summary Judgment (February 25, 2014);
4. TD Bank’s Motion to Strike Defendants’ Jury Trial Demand (August 19, 2014);
5. TD Bank’s Memorandum in Support of Motion for Summary Judgment (January 13, 2015);
6. TD Bank’s Reply to Defendants’ Memorandum in Opposition to Summary Judgment (March 23, 2015);
7. TD Bank’s Memorandum in Support of its Motion to Strike Defendants’ Jury Trial Demand (March 24, 2015);
8. TD Bank’s Memorandum in Opposition to Defendants’ Motion for Reconsideration of the Court’s Order Striking Defendants’ Jury Trial Demand (September 22, 2015);
9. Email from Michael Bogle to Judge Dukes attaching Supreme Court’s dismissal of Petition for Rehearing in BADD (January 14, 2016);
10. Bates # BD000346-47, J. Christopher Lindgren Deposition (July 22, 2013).

We hereby certify that this Designation contains no matter that is irrelevant to this appeal.

[SIGNATURE LINE TO FOLLOW]

This 19th day of July 2016
Greenville, South Carolina



Michael J. Bogle (S.C. Bar No. 71125)

Email: mbogle@wcsr.com

Clayton M. Custer (S.C. Bar No. 68495)

Email: csuster@wcsr.com

Catherine Wrenn (S.C. Bar No. 76042)

Email: cwrenn@wcsr.com

WOMBLE CARLYLE SANDRIDGE & RICE, LLP

550 South Main Street

Suite 400

Greenville, SC 29601

Telephone: (864) 255-5400

*Attorneys for Respondent TD Bank N.A.,
Successor by Merger to Carolina First Bank*

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JUL 19 2016

SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
14th Judicial Circuit

Marvin H. Dukes, III, Master in Equity

Appellate Case No. 2016-000537

T.D. Bank, N.A., Successor by Merger to
Carolina First Bank, Respondent,

v.

Black Diamond, LLC; J. Christopher
Lindgren; and David A. Brosman Appellants.

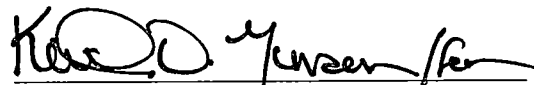
PROOF OF SERVICE

The undersigned hereby certifies that on July 19, 2016, a copy of the attached Initial Brief of Respondent and Respondent's Designation of Matter to be Included in the Record on Appeal was served on the following parties by placing a copy of the same in the United States mail, postage prepaid and addressed as follow:

Keating L. Simons, III, Esq.
SIMONS & DEAN
147 Wappoo Creek Dr., Suite 604
Charleston, SC 29412
(843) 762-9132
Attorney for Appellants Black Diamond,
LLC and J. Christopher Lindgren

Erick K. Haight, Jr. Esq.
Stacey S. Collins, Esq.
MINOR, HAIGHT & ARUNDELL, P.C.
Post Office Drawer 6067
Hilton Head Island, South Carolina 29938
(843) 785-8040
Attorneys for Appellant David A. Brosman

July 19, 2016



Michael James Bogle, Esq. (SC Bar No. 71125)
Womble Carlyle Sandridge & Rice LLP
550 S. Main St., Suite 400

Greenville, SC 29601
(864) 255-5426
Attorneys for Respondent T. D. Bank, N.A.,
Successor by Merger to Carolina First Bank

WOMBLE
CARLYLE
SANDRIDGE
& RICE
A LIMITED LIABILITY
PARTNERSHIP

1727 Hampton Street
Columbia, SC 29201

Telephone: (803) 454-6504
Fax: (803) 454-6509
www.wcsr.com

Direct Dial: 864-255-5426
Direct Fax: 864-239-5865
E-mail: MBogle@wcsr.com

July 19, 2016

RECEIVED

JUL 19 2016

SC Court of Appeals

Via Hand Delivery

The Honorable Jenny Abbott Kitchings
Clerk of Court, Court of Appeals
1220 Senate St.
Columbia, SC 29202

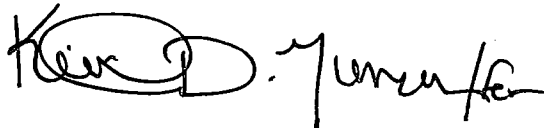
Re: *TD Bank, N. A. v. Black Diamond, LLC, et al.*
Appellate Case No. 2016-000537

Dear Ms. Kitchings:

Enclosed for filing, please find the original and one copy of Respondent's Initial Brief, Respondent's Designation of Matter to Be Included in the Record on Appeal and Proof of Service. Please return a clocked copy to our courier. Thanks for your assistance.

Sincerely,

WOMBLE CARLYLE SANDRIDGE & RICE
A Limited Liability Partnership



Michael J. Bogle

MJB:scc
Enclosures

cc: Keating L. Simmons, III, Esq.
Ehrick K. Haight, Jr., Esq.
Stacey Studley Collins, Esq.