

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Master in Equity
Charles B. Simmons, Jr., Master in Equity

Case No. 2016-CP-23-02597

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OCT 18 2016

SC Court of Appeals

State of South Carolina on the relation of
Walter W. Wilkins, III, Solicitor of the Thirteenth Circuit.....Respondent,

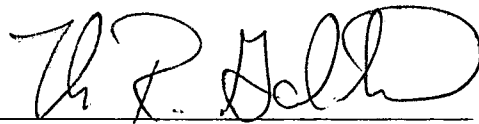
vs.

Elephant Inc., Gregory Kenwood Gaines, and
Frontage Road Associates, Defendants,

of whom,

Elephant Inc., and Gregory Kenwood Gaines are Appellants.

APPELLANT'S DESIGNATION OF CONTENTS OF RECORD ON APPEAL



October 13, 2016

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ORDERS

Hon Charles B. Simmons, Jr. September 15, 2016 (Finding Contempt)
Hon. Charles B. Simmons, Jr., May 11, 2016 (Order for Rule to Show Cause)
Hon. Charles B. Simmons, Jr. June ___, 2015 (Consent Order)

PLEADINGS

Greenville County Electronic Filing docket sheet
Petition for Rule to Show Cause April 27, 2016

AFFIDAVITS

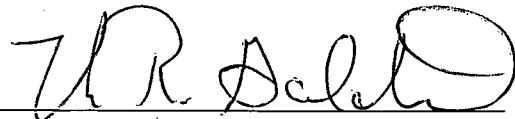
MEMORANDA

TRANSCRIPTS

Transcript of Hearing June 14, 2016

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

October 13, 2016



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vs.

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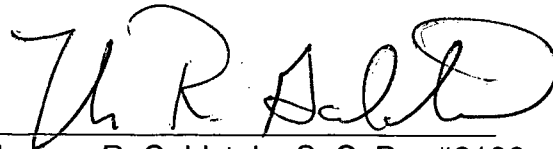
of whom,

Elephant Inc., and Gregory Kenwood Gaines are Appellants.

PROOF OF SERVICE

I certify that I have served the Initial Brief and Initial Designation of Contents of Record on Appeal on the Respondent, Greenville County, by depositing a copy of it in the United States Mail, postage prepaid, on October 13th, 2016, addressed to its attorney of record, William Walter Wilkins, III and Andrew Culbreath at 304 East North Street, Suite 325, Greenville, S. C. 29601.

October 13th, 2016



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October 13, 2016

Hon. V. Claire Allen
Deputy Clerk of Court,
South Carolina Court of Appeals
P. O. Box 11629
Columbia, S. C. 29211

Re: State of S. C. v. Elephant Inc., 2015-CP-23-02597;
Appellate Tracking No.: 2016-001695

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Dear Ms. Allen,

I enclose the appellants' initial brief and initial, tentative—as discussed below designation. We completed this brief under difficult conditions. Our office suffered significant storm damage. Having come so late to this case, we have not had an opportunity to review the record. There are several references in the transcript to documents that we do not have and cannot find, such as a citation to an Order of Reference signed by Judge Stilwell. We do not have a copy of this document, and I cannot locate it on the Greenville County Clerk of Court's office website. Because I have not received permission to take possession of the exhibits (consent Order pending), the circumstances forced me to make educated guesses and make statements about the record that may or may not be accurate. Normally, I would have requested more time in order to close this gap, but the Court of Appeals made clear that no further continuances were possible. As a result, I wrote the brief based on the information at hand. I want to alert your office and opposing counsel that I may be forced to seek leave of Court to amend my initial brief if further investigation reveals I am in error. Likewise, I believe our initial designation of contents for the record on appeal is incomplete for the same reasons, but I am hopeful that I will receive my proposed consent order for release of exhibits prior to my reply brief being due, which may allow this issue to resolve itself.

I ask that you file the original Initial Brief and return the extra copy marked filed in the envelope provided. I thank you in advance for your attention to this request. With kind regards, I am

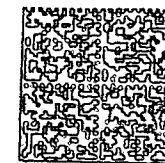
Very truly yours,
BELK, COBB, INFINGER & GOLDSTEIN, P.A.

Thomas R. Goldstein

TRG/

enclosure: Initial Brief; Initial Designation of Contents of Record on Appeal

cc: Andrew Culbreath, Esq.
Lane Davis, Esq., Special Prosecutor
H. Louis Sirkin, Esq.



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