

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

LETITIA H. VERDIN, CIRCUIT COURT JUDGE

CASE NO.: 2015-001744

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NOV 17 2016

SC Court of Appeals

Check First of Greenville, LLC,
d/b/a Evo Merchant Coop.....Appellant,

v.

Merchant Services of the Upstate, Inc., and
Alfred J. Pearce, IV.....Respondents.

RESPONDENTS' DESIGNATION OF MATTER

COME NOW Respondents, Merchant Services of the Upstate, Inc., and Alfred J. Pearce,
IV, who, by and through undersigned counsel, hereby submit their DESIGNATION OF MATTER,
pursuant to RULES 208 AND 209 SCACR, setting forth the documents to be included in the
RECORD ON APPEAL as follows:

1. Summons & Complaint
2. Answer & Counterclaim
3. Reply to Answer & Counterclaim
4. Defendants' Ex. 1
5. Defendants' Ex. 15
6. Defendants' Ex. 21

7. Defendants' Ex. 24
8. Defendants' Ex. 25
9. Defendants' Ex. 26
10. Defendants' Ex. 29
11. Defendants' Ex. 30
12. Defendants' Ex. 32 - Thumb Drive containing Defendants' Electronic Exhibits below:
 - a. CUTLER ACCOUNTS FEB 2009 - DEC 2009 FOR AJ REVIEW PER EMAIL REQUEST
 - b. CUTLER ACCOUNTS FEB 2009 from Check First highlighted
 - c. Calculation of Damages Related to Check First – Exhibit
13. Defendants' Ex. 33
14. Defendants' Ex. 37
15. Defendants' Ex. 38
16. Defendants' Ex. 39
17. Defendants' Ex. 40
18. Final Order on Post-trial motions
19. Trial transcript pages:
 - a. 400
 - b. 464
 - c. 467-469
 - d. 479
 - e. 481
 - f. 498

- g. 504
- h. 506
- i. 513
- j. 526-7
- k. 535
- l. 547-8
- m. 550
- n. 551-2
- o. 553-4
- p. 554-55
- q. 557-8
- r. 558
- s. 560-1
- t. 561-2
- u. 562
- v. 565
- w. 566-7
- x. 598
- y. 612
- z. 642
- aa. 839-44

Further, undersigned counsel hereby certifies that Respondents' Designation of Matter does not include any documents or matters that are irrelevant to this appeal.

Respectfully Submitted,



JOHN M. READ, IV, ESQ.

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Greenville, SC
Dated: November 12, 2016

ATTORNEY FOR RESPONDENT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM
GREENVILLE COUNTY
Court of Common Pleas

Letitia H. Verdin, Circuit Court Judge

Case No. 2012-CP-23-3532
Appellate Case No 2015-001744

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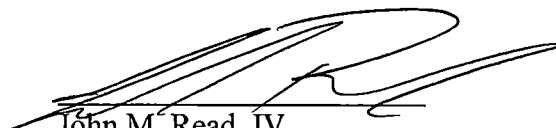
Check First of Greenville, LLC
d/b/a Evo Merchant Coop., Appellant,
V.

Merchant Services of
the Upstate, Inc., and
Alfred J. Pearce, IV,

Respondents.

PROOF OF SERVICE

I certify that I have served **Respondents' Motion to File Out of Time, Designation of Matter and Initial Brief** on Appellant, by depositing a copy of it *in* the United States Mail, postage prepaid, on November 15, 2016, addressed to its attorney of record, **Joshua Snow Kendrick, Kendrick & Leonard, P.C., 419 Vardry Street, Greenville, SC 29601**


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