

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM NEWBERRY COUNTY
R. Lawton McIntosh, Circuit Court Judge

RECEIVED
JAN 17 2017
SC Court of Appeals

Appellate Case No.: 2016-001037

Oien Family Investments, LLC,Appellant

v.

Piedmont Municipal Power Agency,Respondent

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

O. W. Bannister (SC Bar No. 506)
Bruce W. Bannister (SC Bar No. 15679)
Luke A. Burke (S.C. Bar No. 100033)
P. O. Box 10007 (29603)
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Greenville, SC 29603
Phone: 864-298-0084
Fax: 864-298-0146
Attorneys for Respondent

January 11, 2017

Other Counsel of Record:

Thomas H. Pope, III, Esq.
Kyle B. Parker, Esq.
Pope and Hudgens, PA
P.O. Box 190
Newberry, SC 29108

Respondent, Piedmont Municipal Power Agency, hereby designates the following to be included in the Record on Appeal:

1. Trial Transcript:

Mike Frazier – p. 25, ll. 5-22
p. 26, l. 20 – p. 27, l. 13
p. 44, l. 5 – p. 68, l. 10
p. 75, l. 15 – p. 103, l. 13
p. 110, ll. 11-16

Lynn Oien – p. 154, l. 1 – p. 162, l. 17
p. 164, l. 15 – p. 176, l. 11

Paul Major – p. 198, ll. 5-12
p. 200, l. 20 – p. 203, l. 3
p. 204, l. 16 – p. 205, l. 4
p. 208, l. 19 – p. 214, l. 8
p. 215, ll. 7-18
p. 217, ll. 5- 17

Bill Rogers – p. 295, l. 25 – p. 296, l. 3

David Graydon – p. 308, l. 18 – p. 316, l. 21
p. 317, l. 2 – p. 320, l. 12
p. 320, l. 16 – p. 322, l. 23
p. 324, l. 8 – p. 329, l. 20
p. 330, l. 23 – p. 331, l. 14
p. 332, l. 5 – p. 337, l. 9
p. 337, l. 15 – p. 340, l. 25

Alan Cobb – p. 342, l. 20 – p. 375, l. 17
p. 392, l. 6 – p. 398, l. 20
p. 398, l. 23 – p. 402, l. 4
p. 402, l. 16 – p. 404, l. 15
p. 405, l. 13 – p. 410, l. 25
p. 411, l. 16 – p. 417, l. 4
p. 417, l. 9 – p. 418, l. 4

Todd Guy – p. 419, l. 132 – p. 420, l. 18
p. 421, l. 5 – p. 423, l. 20
p. 424, l. 14 – p. 430, l. 22

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Marc Regier – p. 435, l. 10 – p. 450, l. 20
p. 451, l. 13 – p. 467, ll. 12-16
p. 469, l. 11-15 – p. 470, l. 25
p. 472, l. 3 – p. 476, l. 18
p. 486, l. 22 – p. 498, l. 10

- 2. Circuit Court Order dated April 27, 2016
- 3. Respondent's Return to Appellant's Motion to Reconsider Lifting of Stay dated December 2, 2016
- 4. Exhibits:

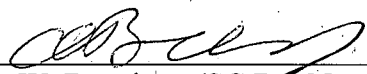
Plaintiff's Ex. 8, 17, 19, 21, 27, 28, 30, 43

Defendant's Ex. 1, 3, 28

CERTIFICATE OF COUNSEL

The undersigned certifies that this Designation of Matter to be Included in the Record on Appeal complies with Rule 209(b), SCACR.

BANNISTER, WYATT & STALVEY, LLC



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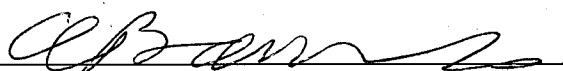
Piedmont Municipal Power Agency,Respondent

PROOF OF SERVICE

The undersigned hereby certifies that on January 12, 2017 the Initial Brief of Respondent and Respondent's Designation of Matter to be Included in the Record on Appeal in the above-captioned matter was served upon counsel of record by placing a copy of same in the U.S. Mail, sufficient postage affixed thereto, addressed as follows:

Thomas H. Pope, III, Esq.
Kyle B. Parker, Esq.
Pope and Hudgens, PA
P.O. Box 190
Newberry, SC 29108

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January 12, 2017

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

**Re: Oien Family Investments, LLC, Appellant vs. Piedmont Municipal Power
Agency, Respondent
Appellate Case No.: 2016-001037**

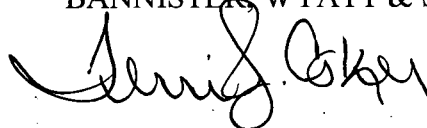
Dear Ms. Allen:

Enclosed please find the original and one copy of the Initial Brief of Respondent, Respondent's Designation of Matter to be Included in the Record on Appeal, and our Proof of Service of the same. I would appreciate if you would return stamped copies in the envelope provided.

By copy of this letter and the enclosed Proof of Service, I am serving of copy of the Respondent's Initial Brief and Designation of Matter upon opposing counsel.

Yours truly,

BANNISTER, WYATT & STALVEY, LLC



Terri J. Coker, ACP
Paralegal to O. W. Bannister

/tjc
Enclosures

cc: Thomas H. Pope, III, Esq., w/enclosures
Kyle B. Parker, Esq., w/enclosures