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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Charles B. Simmons, Jr., Master-in-Equity, Circuit Court Judge

Case No. 2015-CP-23-02597

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

v.

Elephant Inc., Gregory Kenwood Gaines, and Frontage Road Associates, Defendants, of whom Elephant Inc., and Gregory Kenwood Gaines are, Appellants.

RESPONDENT'S DESIGNATION OF MATTER ON APPEAL

13TH Circuit Solicitor Walter W. Wilkins, III
Deputy Solicitor Andrew Culbreath
For Respondent State of South Carolina
305 East North Street, Suite 325
Greenville, SC 29601
(864) 467-8647

Respondent's Designation of Matter on Appeal

Respondent hereby designates the following matter to be included in the record on appeal:

Orders:

1. **May 6, 2015:** Order Granting Temporary Injunction to State;
2. **May 7, 2015:** Order by S.C. Court of Appeals Denying Petition for Writ of Supersedeas;
3. **June 4, 2015:** Consent Order Entered into between State of South Carolina and Defendants as Executed by Judge Charles B. Simmons, Jr.;
4. **July 1, 2015:** Order by S.C. Court of Appeals Dismissing Appeal Due to Consent Order;
5. **April 29, 2016:** Order to Show Cause Order by Administrative Judge Robin Stilwell and referring case to Judge Charles B. Simmons, Jr. for Hearing on May 18, 2016;
6. **May 12, 2016:** Re-issuance of Order to Show Cause by Judge Charles B. Simmons, Jr. Postponing Hearing Until June 14, 2016, Pursuant to Defendants' Request;
7. **July 27, 2016:** Order Issuing Contempt Sanctions Against Defendants by Judge Charles B. Simmons, Jr.;

Pleadings:

8. **April 17, 2015:** Verified Petition & Attached Exhibits;
9. **May 15, 2015:** Amended Petition;
10. **April 27, 2016:** State's Petition for Rule to Show Cause for Violation of June 4, 2015 Consent Order of Court;

Affidavits:

11. **April 28, 2015:** Affidavit of Jeffrey Smith;
12. **April 28, 2015:** Affidavit of Service upon Elephant, Inc.;
13. **May 16, 2015:** Affidavit of Service for Elephant, Inc.;
14. **May 16, 2015:** Affidavit of Service for Gregory Gaines;
15. **May 10, 2016:** State of South Carolina's Verification of Petition Supporting Rule to Show Cause;

Motions & Memoranda:

16. **April 17, 2015:** State of South Carolina's Motion for Preliminary Injunction;
17. **April 22, 2015:** State of South Carolina's Memo. Supp. Preliminary Injunction;
18. **June 27, 2016:** State of South Carolina's Written Closing of the State in Support of Finding of Contempt & Exhibits;
19. **June 28, 2016:** Verified Petition for *Pro Hac* Admission by Louis Sirkin;

20. **August 5, 2016:** Defendants' Motion for Reconsideration of Order Issuing Contempt Sanctions;
21. **August 10, 2016:** State of South Carolina's Memorandum Opposing Defendants' Mot. to Reconsider;

Exhibits:

22. **June 14, 2016:** Trial Exhibits 1-8 & Court Exhibits 1-2;
23. **August 10, 2016** Correspondence from Defendants Withdrawing Motion to Reconsider
24. Public Index for South Carolina 13th Judicial Circuit for *State v. Elephant, Inc. et al.*: CA 2015-CP-23-02597 as found at:

<https://www2.greenvillecounty.org/SCJD/PublicIndex/CaseDetails.aspx?County=23&CourtAgency=23002&Casenum=2015CP2302597&CaseType=V&HKey=6580991053750987937509812277119515452120535798100655070861177511837509874575053663750102106118110113101971081094911181>

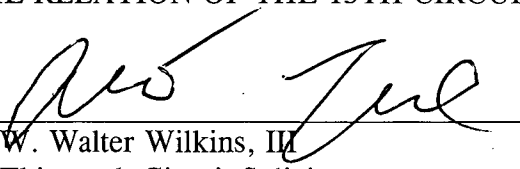
25. **August 17, 2016:** Supplemental Memorandum Submitting Correspondence to Court;

Transcripts:

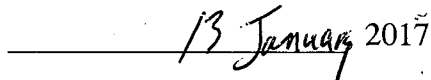
26. **April 24, 2015:** Transcript from Preliminary Injunction Hearing;
27. **June 14, 2016:** Transcript from Contempt Proceedings.

I certify the matter designated contains only material presented to the lower courts and no other matter.

RESPONDENT STATE OF SOUTH CAROLINA
ON THE RELATION OF THE 13TH CIRCUIT SOLICITOR

By: 

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13 January 2017
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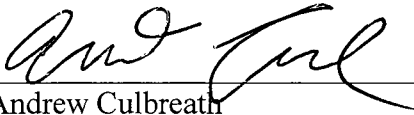
PROOF OF SERVICE

I certify that I have served Respondent's Initial Brief and Designation of Matter on Appeal in the above-captioned matter by depositing a copy of it in the United States Mail, postage prepaid, and addressed to its attorneys of record:

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ON THE RELATION OF THE 13TH CIRCUIT SOLICITOR

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January 13, 2017

Greenville, South Carolina