

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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MAR 06 2017

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2013-CP-10-1396

Appellate Case No. 2016-001266

Personal Care, Inc.,Appellant,

v.

Jerry N. Theos; Uricchio, Howe, Krell, Johnson, Toporek, Theos & Keith, PA; Cheryl D. Shoun;
and Taylor, Shoun, Bowley & Byrd, LLC..... Respondents.

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

Respondents propose the following to be included in the Record on Appeal:

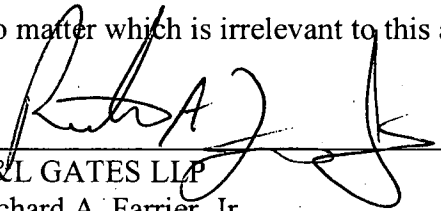
1. Plaintiff's Verified Complaint, filed on March 8, 2013;
2. Plaintiff's Verified Amended Complaint, filed on April 19, 2013;
3. Answer of Defendants Theos and Uricchio Howe to Verified Amended Complaint, filed on July 10, 2013;
4. Rule 40(j) Consent Order Striking Case from Docket, filed on August 28, 2013;
5. Plaintiff's Motion to Restore Case to the active trial roster, including all exhibits thereto, filed on September 22, 2014;
6. Plaintiff's Motion for Default and Default Judgment, including all exhibits thereto, filed on October 16, 2014;
7. Defendants Theos and Urrichio Howe's Memorandum in Opposition to Plaintiff's Motion to Restore, including all exhibits thereto, filed November 14, 2014;
8. Defendant Shoun's Motion for Sanctions and Expedited Hearing, filed November 14, 2014;

9. Defendant Shoun's Memorandum in Opposition to Motion to Restore, including all exhibits thereto, filed November 17, 2014;
10. Defendant Shoun's Memorandum in Support of Motion for Sanctions, including all exhibits thereto, filed November 17, 2014;
11. Defendant Taylor, Bowley & Byrd's Motion for Sanctions and Expedited Hearing, including all exhibits thereto, filed November 17, 2014;
12. Defendant Taylor, Bowley & Byrd's Memorandum in Opposition to Motion to Restore, including all exhibits thereto, filed November 18, 2014;
13. Entire Transcript from Hearing on Motion to Restore before the Honorable J.C. Nicholson, held November 19, 2014;
14. Defendant Shoun's Supplemental Memorandum in Opposition to Motion to Restore, including all exhibits thereto, filed December 4, 2014;
15. Defendant Theos's Affidavit, including all exhibits thereto, filed December 5, 2014;
16. Defendants Theos and Urrichio Howe's Supplemental Memorandum in Opposition to Motion to Restore, filed December 5, 2014;
17. Plaintiff's Memorandum in Support of Motion to Restore, including all exhibits thereto, filed December 8, 2014;
18. Defendant Taylor, Bowley & Byrd's Supplemental Memorandum in Opposition to Motion to Restore, including all exhibits thereto, filed December 10, 2014;
19. Order Denying Plaintiff's Motion to Restore and Denying Defendants' Motions for Sanctions, including all exhibits thereto, filed March 3, 2015;
20. Plaintiff's Motion to Alter or Amend Judgment, filed March 16, 2015;
21. Defendants Theos, Urrichio Howe, and Taylor Bowley & Byrd's Memorandum in Opposition to Plaintiff's Motion to Alter or Amend Judgment, filed March 26, 2015;
22. Defendant Shoun's Memorandum in Opposition to Plaintiff's Motion to Alter or Amend Judgment, filed April 8, 2015;
23. Defendants Shoun and Taylor, Bowley & Byrd's Supplemental Memorandum Addressing *Maxwell v. Genez*, filed May 21, 2015;
24. Plaintiff's Memorandum as to Procedural Requirements Governing a Motion Pursuant to Rule 40(j), SCRCR, filed May 21, 2015;
25. Defendant Theos' Brief Concerning *Maxwell* Decision, filed May 22, 2015;
26. Order on Plaintiff's Motion to Alter or Amend Judgment, filed June 22, 2015;
27. Plaintiff's Memorandum as Directed by Court's Order on Plaintiff's Motion to Alter or Amend Judgment, filed July 9, 2015;
28. Defendants' Supplemental Memorandum Addressing the *Stokes-Craven* Decision, filed September 18, 2015;
29. Affidavit of Bernard Cignavitch, filed January 7, 2016;
30. Modified Order on Plaintiff's Motion to Alter or Amend Judgment, including all exhibits thereto, filed May 23, 2016;

31. Defendants' Motion for Substitution of Order Pursuant to Rule 59(e) or Alternatively Under Rule 60(b) SCRPC, filed June 10, 2016; and
32. Substituted Modified Order on Plaintiff's Motion to Alter or Amend Judgment, filed on June 14, 2016.

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

March 1, 2017


K&L GATES LLP
Richard A. Farrier, Jr.
134 Meeting Street, Suite 500
Charleston, SC 29401
(843) 579-5600
Telephone: (843) 579-5619
Facsimile: (843) 579-5601
richard.farrier@klgates.com

Attorney for Respondent Cheryl D. Shoun

*M. Dawes Cooke, Jr. w/ permission
by Rich A. Farrier, Jr.*
M. Dawes Cooke, Jr.
Phillip S. Ferderigos
BARNWELL WHALEY PATTERSON &
HELMS, LLC
288 Meeting Street, Suite 200
Charleston, SC 29401
(843) 577-7700
mdc@barnwell-whaley.com
pferderigos@barnwell-whaley.com

Attorneys for Respondents Jerry N. Theos and
Uricchio, Howe, Krell, Johnson, Toporek,
Theos & Keith, PA

*Oana D. Johnson w/ permission
by Rich A. Farrier, Jr.*
Oana D. Johnson
215 East Bay Street, Suite 406
Charleston, SC 29401
(843) 203-4195
oana@odjlaw.com

Attorney for Respondent Taylor, Shoun,
Bowley & Byrd, LLC

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PROOF OF SERVICE

I certify that I have served Respondent's Designation of Matter on the Appellant, by depositing a copy of it in the United States Mail, postage prepaid, on February 28, 2017, addressed to its attorneys of record, Thomas A. Pendarvis and Christopher W. Lempesis, Jr., Pendarvis Law Offices, P.C., 710 Boundary Street, Unit A-1, Beaufort, SC 29902-4188.

March 1, 2017.

Erin B. Shorter

K&L GATES LLP
Richard A. Farrier, Jr.
134 Meeting Street, Suite 500
Charleston, SC 29401
(843) 579-5600
Telephone: (843) 579-5619
Facsimile: (843) 579-5601
richard.farrier@klgates.com

Attorney for Respondent Cheryl D. Shoun

M. Dawes Cooke, Jr.
Phillip S. Ferderigos
BARNWELL WHALEY PATTERSON &
HELMS, LLC
288 Meeting Street, Suite 200
Charleston, SC 29401
(843) 577-7700
mdc@barnwell-whaley.com
pferderigos@barnwell-whaley.com

Attorneys for Respondents Jerry N. Theos and
Uricchio, Howe, Krell, Johnson, Toporek,
Theos & Keith, PA

Oana D. Johnson
215 East Bay Street, Suite 406
Charleston, SC 29401
(843) 203-4195
oana@odjlaw.com

Attorney for Respondent Taylor, Shoun,
Bowley & Byrd, LLC