

STATE OF SOUTH CAROLINA  
In The Court Of Appeals

APPEAL FROM CHARLESTON COUNTY  
BENJAMIN H. CULBERTSON, CIRCUIT COURT JUDGE

RECEIVED

Case No. 2015-CP-10-3220  
Appellate Case No. 2016-002469

MAY 26 2017  
SC Court of Appeals

Shane Gould,.....Respondent,

v.

Worldwide Apparel LLC, f/k/a  
MusclePharm Sportswear LLC and  
Drew Ciccarelli, ..... Appellants.

**APPELLANT'S AMENDED DESIGNATIONS**

Pursuant to Rule 209, SCACR, Appellant proposes the following be included in the Record on Appeal. Unless otherwise stated, all items designated include exhibits and exclude proof of service, cover sheets, motion forms, and notices. Appellant reserves the right to include additional designations in connection with its initial reply brief or otherwise.

**ORDERS**

1. Form 4 Order granting Summary Judgment dated July 15, 2016
2. Order on Plaintiff's Motion for Summary Judgment dated November 3, 2016
3. Form 4 Order denying Defendants' Motion for reconsideration filed November 8, 2016

**PLEADINGS**

4. Complaint dated June 5, 2015.
5. Answer dated July 6, 2015.

6. Motion for Summary Judgment filed May 26, 2016.
7. Amended Motion for Summary Judgment and Discovery Sanctions filed June 10, 2016.
8. Defendant's Opposition to Plaintiff's Motion and Amended Motion for Summary Judgment and Discovery Sanctions dated July 7, 2016
9. Defendant's Motion for Reconsideration of Order granting summary judgment and Brief in Support dated July 25, 2016.

### TRANSCRIPTS

10. Transcript of hearing on Motion for Summary Judgment held July 12, 2016 (Pages 1-32 only).
11. Deposition of Drew Morgan Ciccarelli on June 22, 2016
  - p. 42, line 1- p. 49, line 3
  - p. 52, line 15- p. 56, line 9
  - p. 58, lines 17-22
  - p. 61, line 12- p. 66, line 24
  - p. 68, line 6 - p. 74, line 16
  - p. 75, line 8- p. 76, line 10
  - p. 77, line 11 - p. 81, line 23
  - p. 83 line 19 - p. 89, line 11
  - p. 92, line 18 - p. 94, line 21
  - p. 98, line 8 - p. 99, line 8
  - p. 120, line 20 - p.121, line 6
11. Deposition of Shane Levi Gould on July 6, 2016
  - p. 7, lines 10-21
  - p. 9, line 4 – p. 11, line 15
  - p. 43, line 12 – p. 49, line 8
  - p. 54, line 11 – p. 56, line 15
  - p. 61, line 8 – p. 63, line 14
  - p. 65, line 21 – p. 67, line 12
  - p. 72, line 17 – p. 73, line 21

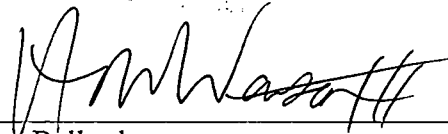
- p. 78, line 24 – p. 79, line 7
- p. 82, lines 8-15
- p. 84, line 16 – p. 85, line 3
- p. 100, lines 1-13
- p 101, lines 16-21
- p. 104, line 22 – p. 106, line 21

**OTHER**

12. Judge letter asking for draft Order granting Motion for Summary Judgment dated July 8, 2016.

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

Respectfully submitted,



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ATTORNEYS FOR APPELLANT

May 25, 2017

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**PROOF OF SERVICE**

I, Beth Cogan, an employee with Ballard & Watson, Attorneys at Law, do hereby certify that on May 25, 2017, I served a copy of the **Appellant's Amended Designation of Matter** in the above-captioned case on the following individuals by electronic mail and by standard US Mail, with sufficient first-class postage affixed, addressed as follows:

**John E. Schmidt III, Esquire**  
**john.schmidt@thesclawfirm.com**  
**Schmidt & Copeland, LLC**  
**Post Office Box 11547**  
**Columbia, South Carolina 29211**

  
Beth Cogan, Paralegal

May 25, 2017  
West Columbia, South Carolina



**Ballard & Watson**  
Attorneys at Law  
PERSISTENT. UNWAVERING.

Desa Ballard  
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May 25, 2017

Via U.S. Mail

Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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MAY 26 2017

SC Court of Appeals

Re: *Shane Gould v. Worldwide Apparel LLC, et al.*  
Appellate Case No: 2016-002469

Dear Ms. Kitchings:

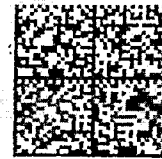
Please find enclosed for filing an original and one copy of the **Appellant's Amended Designations** and **Proof of Service** in the above-referenced matter. This amended version corrects the headings for the two listed groups of deposition excerpts designated for inclusion in the eventual Record on Appeal, and a typo on one page number reference.


After both have been filed, please return the clocked copies to our office in the enclosed, self-addressed, stamped envelope. Please do not hesitate to contact our office if you should have any questions. With warm personal regards, I am,

Sincerely yours,

Harvey M. Watson III  
[harvey@desaballard.com](mailto:harvey@desaballard.com)

cc: Via U.S. Mail and Email  
John E. Schmidt III, Esquire  
Via Email  
Ted Huge, Esquire  
William Harris, Esquire  
Drew Ciccarelli



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*Law Offices of Desa Ballard*

226 State Street  
 West Columbia, SC 29169

To:

Honorable Jenny Abbott Kitchings  
 South Carolina Court of Appeals  
 Post Office Box 11629  
 Columbia, South Carolina 29211

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