

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BARNWELL COUNTY
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

Case No. 2017-000688

RECEIVED

AUG 17 2017

SC Court of Appeals

Martha M. Fountain and Curtis Fountain Plaintiffs

v.

Fred's, Inc. and Wildevco, LLC, Respondents

v.

Tippins-Polk Construction, Inc. and Rhoad's Excavating Services, LLC..... Third-Party
Defendants

Of Whom Tippins-Polk Construction, Inc. is the Appellant.

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

Pursuant to Rule 209, SCACR, Appellant hereby designate matter to be included in the
record on appeal.

Order

Dated/Filed

Order Denying Third-Party Defendant
Tippins-Polk's Motion to Make Additional
Findings and Motion to Reconsider and/or
Amend

February 6, 2017

Judgment Entered

February 13, 2017

Pleadings	Dated/Filed
Plaintiffs Complaint	May 12, 2010
Fred's Wildevco's Answer	July 14, 2010
Fred's Amended Answer and Third-Party Complaint	August 1, 2012
Wildevco's Third Amended Third-Party Claims	February 22, 2016
Memorandum in Support of Motion to Amend Third-Party Complaint	August 28, 2015
Judge G. Thomas Cooper's Order	November 6, 2015
Hearing Transcript (March 21, 2016)	March 21, 2016
Judge Brian Gibbons Form 4 Order	March 21, 2016
Memorandum in Support of Second Motion to Amend Third-Party Complaint	June 3, 2016
Final Order and Judgment	August 1, 2016
Motion to Make Additional Findings/Motion to Reconsider	August 15, 2016
Order Denying Motion to Make Additional Facts/Reconsideration	February 13, 2017
Order Granting Leave to Deposit Funds with Court	March 20, 2017
Trial Transcript	June 6, 2016
Trial Transcript	June 7, 2017
Settlement Agreement	April 21, 2016
Construction Contract	April 28, 2009
Lease Agreement	2005
Wildevco Legal Invoices	
Affidavit of Regina Lewis	

Affidavit of Denise Brockwell

Pursuant to Rule 209(c), SCACR, we hereby certify that this designation contains no matter that is irrelevant to the appeal.

August 11, 2017.

WALL TEMPLETON & HALDRUP, P.A.



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Of Whom Tippins-Polk Construction, Inc. is the Appellant.

PROOF OF SERVICE

I, Peden Brown McLeod, of Wall Templeton & Haldrup, do hereby certify that I have served the Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal on counsel for Respondents, by depositing the same in the United States Mail, properly posted on August 11, 2017 addressed as follows to counsel of record:

Lee Ellen Bagley, Esq.
Gaffney Lewis & Edwards
3700 Forest Drive, Suite 400
Columbia, SC 29204

Matthew C. LaFave, Esq,
Crowe LaFave, LLC
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August 11, 2017

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

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Re: *Martha M. Fountain v. Fred's Inc., et al.*
Civil Action No.: 2017-000688

Dear Madam Clerk:

Enclosed for filing, please find an original and copy of Appellant's Initial Brief, along with Proof of Service and Appellant's Designation of Matter to be Included in the Record on Appeal. Please return a file-stamped copy to this office in the enclosed, self-addressed, stamped envelope.

Thank you for your assistance.

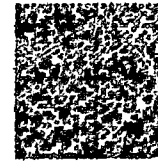
Sincerely,

WALL TEMPLETON & HALDRUP, P.A.

Peden Brown McLeod, Jr.

PBMjr/sjs
Enclosures

cc: Lee Ellen Bagley, Esquire (w/ *encl*)
Matthew C. LaFave, Esquire (w/ *encl*)



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