

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

D. Craig Brown, Circuit Court Judge

Appellate Case No.: 2016-001612
Civil Case No.: 2014-CP-40-4234

Luis Endara,.....Appellant,
v.
AVSX Technologies, LLC;
Bobby Johnson; and
Mary Kay Johnson,.....Respondents.

RECORD ON APPEAL – VOLUME III

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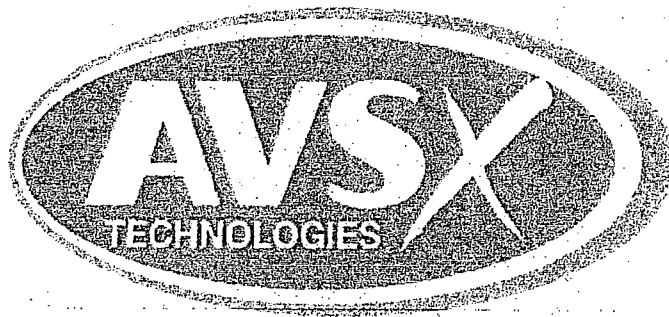
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2013 - 2015

Revenue Sharing and Holdback Income



PLAINTIFF'S	
EXHIBIT NO.	2021
FOR IDENTIFICATION	
DATE	01/26/14
RPTR:	MSI

Revenue Sharing

MONTH	AMOUNT
Sep-13	14,709.00
Sep-13	5,440.00
Oct-13	15,639.00
Oct-13	5,340.00
Nov-13	16,749.00
Nov-13	5,234.00
Dec-13	18,075.00
Dec-13	5,130.00
Jan-14	18,981.00
Jan-14	5,008.00
Feb-14	20,091.00
Feb-14	4,890.00
Mar-14	21,201.00
Mar-14	4,760.00
TOTAL	161,247.00

MONTH	AMOUNT
Apr-14	22,620.00
Apr-14	4,668.00
May-14	24,018.00
May-14	4,606.00
Jun-14	25,317.00
Jun-14	4,514.00
Jul-14	26,484.00
Jul-14	4,416.00
Aug-14	27,543.00
Aug-14	4,316.00
Sep-14	28,575.00
Sep-14	4,242.00
Oct-14	29,661.00
Oct-14	4,148.00
Nov-14	30,717.00
Nov-14	4,046.00
Dec-14	31,599.00
Dec-14	3,980.00
TOTAL	285,470.00

MONTH	AMOUNT
Jan-15	32,391.00
Jan-15	3,912.00
Feb-15	32,982.00
Feb-15	3,860.00
Mar-15	33,492.00
Mar-15	3,806.00
Apr-15	33,888.00
Apr-15	3,704.00
May-15	34,386.00
May-15	3,612.00
Jun-15	34,944.00
Jun-15	3,538.00
TOTAL	224,515.00

Holdback Income

MONTH	AMOUNT
Sep-13	57,557.25
Oct-13	54,004.57
Nov-13	84,884.24
Dec-13	56,197.85
TOTAL	252,643.91

MONTH	AMOUNT
Jan-14	55,187.14
Feb-14	80,176.11
Mar-14	70,284.92
Apr-14	79,650.66
May-14	82,060.58
Jun-14	100,085.84
Jul-14	73,127.78
Aug-14	89,424.01
Sep-14	61,333.65
Oct-14	91,092.76
Nov-14	89,672.42
Dec-14	70,393.75
TOTAL	942,489.62

MONTH	AMOUNT
Jan-15	55,884.20
Feb-15	58,404.22
Mar-15	46,073.72
Apr-15	55,927.29
May-15	69,044.53
Jun-15	55,933.22
TOTAL	341,267.18

STATE OF SOUTH CAROLINA,)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
DEFENDANT'S RESPONSES TO PLAINTIFF'S
REQUESTS FOR ADMISSION TO
DEFENDANTS

LUIS ENDARA)
)
)
Plaintiff,)

vs.)

FILE NO. 2014-CP-40-4234

AVSX TECHNOLOGIES, LLC,)
BOBBY JOHNSON, and)
MARY KAY JOHNSON)
Defendant.)

REQUESTS TO ADMIT

1. Admit that Luis Endara made capital and/or in kind contributions to:
 - a. Protection 24, LLC,
 - b. Guardian Eagle Security LLC, and/or
 - c. AVSX Technologies, LLC

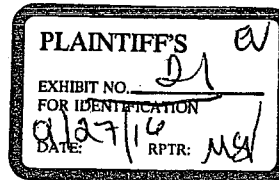
RESPONSE:

Denied. Defendant has seen no materials showing any contributions made by Luis Endara, capital or otherwise.

2. Admit that there was no written Operating Agreement for AVSX Technologies, LLC (hereinafter "AVSX") as of March 2014. In the event you deny this request state all facts that support your denials and provide a copy of any evidence that supports your response.

RESPONSE:

Admit.



3. Admit that the court of performance for AVSX Technologies, LLC from commencement of doing business until February 1, 2014, was that Bobby Johnson and Luis Endara are the only members and owners of AVSX. In the event you deny this request state all facts that support your denial and provide a copy of any evidence that support your response.

RESPONSE:

Denied. Please see all documents referenced in the Defendants' Responses to Interrogatories and Requests for Production.

4. Admit that the only agents with actual authority to bind AVSX from commencement of doing business until February 1, 2014, in extra-ordinary business decisions were Bobby Johnson and Luis Endara. In the event you deny this request identify all agents and state all facts that support your denial and provide a copy of any evidence that supports your response.

RESPONSE:

Admit only that Mr. Endara had authority to bind AVSX on many daily operational issues but he was not a member of AVSX. Please see all documents referenced in the Defendants' Responses to Interrogatories and Requests for Production.

5. Admit that Defendant Bobby Johnson has represented to third parties and employees of AVSX through e-mail and other communications that he and Luis Endara are the sole equity owners of AVSX.

RESPONSE:

Admit only that Mr. Johnson said at times to employees and other third parties that he and Mr. Endara were "partners" in the business. Mr. Johnson did so for the purpose of recognizing his significant service to the company and for team building purposes. Further, Mr. Johnson made these same representations regarding other AVSX employees and corporate partners who had no interest in and were not members of AVSX. Please see all documents

referenced in the Defendants' Responses to Interrogatories and Requests for Production.

6. Admit Luis Endara was held out to be and interviewed as an owner of AVSX during the LLC's investigation by the North Carolina Alarm Systems Licensing Board in 2013, File Number 2012-ASL-021.

RESPONSE:

Denied. Please see all documents referenced in the Defendants' Responses to Interrogatories and Requests for Production.

7. Admit that Mary Kay Johnson was not on the Original Articles of Organization for Guardian Eagle Security, LLC.

RESPONSE:

Admit

8. Admit that Mary Kay Johnson was not associated with AVSX until February of 2011. In the event you deny this request state all facts that support your denial and provide a copy of any evidence that supports your response.

RESPONSE:

Admit

9. Admit that Mary Kay Johnson and never made any monetary contribution to or purchases any membership interest in AVSX. In the event you deny this request state all facts that support your denial and provide a copy of any evidence that supports your response.

RESPONSE:

Admit

10. Admit that Defendant Bobby Johnson is suffering from a medical condition that is affecting his mental health and capability to operate the day to day business of AVSX. In the event you deny this request state all facts that support your denial and provide a copy of any evidence that supports your response.

RESPONSE:

Denied. Please see all documents referenced in the Defendants' Responses to Interrogatories and Requests for Production.

11. Admit that Bring It Nutrition, LLC is being funded, financed, and/or collateralized by AVSX. In the event you deny this request state all facts that support your denial and provide a copy of any evidence that supports your response.

RESPONSE:

Admit

RESPECTFULLY SUBMITTED,
LAW OFFICE OF TODD ELLIS, P.A.

By: 

Todd R. Ellis
7911 Broad River Road
Suite 100
Irmo, South Carolina 29063
803-732-0123

Attorney for Plaintiff

Irmo, South Carolina
December 10, 2014

CERTIFICATE OF SERVICE

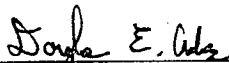
I, the undersigned employee of the Law Office of Todd Ellis, P.A., attorneys for AVSX Technologies, LLC, Bobby Johnson and Mary Kay Johnson, do hereby certify that I have served opposing counsel in this action with a copy of the document(s) hereinbelow specified by First Class U.S. Mail and E-mail to the following address(es):

Document:

Defendant's Responses to Plaintiff's Requests for Admission to Defendants

Opposing Counsel Served:

Michael W. Sautter, Esq.
147 Wappoo Creek Drive
Suite 202
Charleston, South Carolina 29412



Douglas E. Adams, Legal Assistant

December 11, 2014

Schedule A Cost of Goods Sold (see instructions)

1	Inventory at beginning of year	1	
2	Purchases	2	1,724,256
3	Cost of labor	3	328,065
4	Additional section 263A costs (attach statement)	4	
5	Other costs (attach statement)	5	
6	Total. Add lines 1 through 5	6	2,052,321
7	Inventory at end of year	7	74,862
8	Cost of goods sold. Subtract line 7 from line 6. Enter here and on page 1, line 2	8	1,977,459

9a Check all methods used for valuing closing inventory: (i) Cost as described in Regulations section 1.471-3
 (ii) Lower of cost or market as described in Regulations section 1.471-4
 (iii) Other (Specify method used and attach explanation.)

b Check if there was a writedown of subnormal goods as described in Regulations section 1.471-2(c)

c Check if the LIFO inventory method was adopted this tax year for any goods (if checked, attach Form 970)

d If the LIFO inventory method was used for this tax year, enter percentage (or amounts) of closing inventory computed under LIFO 9d

e If property is produced or acquired for resale, do the rules of section 263A apply to the corporation? Yes No

f Was there any change in determining quantities, cost, or valuations between opening and closing inventory? Yes No
 If "Yes," attach explanation.

Schedule B Other Information (see instructions)

		Yes	No
1	Check accounting method: a <input type="checkbox"/> Cash b <input checked="" type="checkbox"/> Accrual c <input type="checkbox"/> Other (specify) <input type="checkbox"/>		
2	See the instructions and enter the: a Business activity <input type="checkbox"/> Sales b Product or service <input type="checkbox"/> Security Systems		
3	At the end of the tax year, did the corporation own, directly or indirectly, 50% or more of the voting stock of a domestic corporation? (For rules of attribution, see section 267(c).) If "Yes," attach a statement showing: (a) name and employer identification number (EIN), (b) percentage owned, and (c) if 100% owned, was a qualified subchapter S subsidiary election made?		X
4	Has this corporation filed, or is it required to file, Form 8918, Material Advisor Disclosure Statement, to provide information on any reportable transaction?		X
5	Check this box if the corporation issued publicly offered debt instruments with original issue discount. If checked, the corporation may have to file Form 8281, Information Return for Publicly Offered Original Issue Discount Instruments. <input type="checkbox"/>		
6	If the corporation: (a) was a C corporation before it elected to be an S corporation or the corporation acquired an asset with a basis determined by reference to the basis of the asset (or the basis of any other property) in the hands of a C corporation and (b) has net unrealized built-in gain in excess of the net recognized built-in gain from prior years, enter the net unrealized built-in gain reduced by net recognized built-in gain from prior years (see instructions) <input type="checkbox"/> \$		
7	Enter the accumulated earnings and profits of the corporation at the end of the tax year. \$		
8	Are the corporation's total receipts (see instructions) for the tax year and its total assets at the end of the tax year less than \$250,000? If "Yes," the corporation is not required to complete Schedules L and M-1.		X
9	During the tax year, was a qualified subchapter S subsidiary election terminated or revoked? If "Yes," see instructions.		X

Schedule K Shareholders' Pro Rata Share Items

		Total amount
1	Ordinary business income (loss) (page 1, line 21)	1 134,195
2	Net rental real estate income (loss) (attach Form 8825)	2
3a	Other gross rental income (loss)	3a
3b	Expenses from other rental activities (attach statement)	3b
3c	Other net rental income (loss). Subtract line 3b from line 3a	3c 0
4	Interest income	4
5	Dividends: a Ordinary dividends b Qualified dividends	5a 5b
6	Royalties	6
7	Net short-term capital gain (loss) (attach Schedule D (Form 1120S))	7
8a	Net long-term capital gain (loss) (attach Schedule D (Form 1120S))	8a
8b	Collectibles (28%) gain (loss)	8b
8c	Unrecaptured section 1250 gain (attach statement)	8c
9	Net section 1231 gain (loss) (attach Form 4797)	9
10	Other income (loss) (see instructions) Type <input type="checkbox"/>	10

Income (Loss)

Shareholders' Pro Rata Share Items (continued)		Total amount	
Deductions	11 Section 179 deduction (attach Form 4562)	11	
	12a Contributions	12a	
	b Investment interest expense	12b	
	c Section 59(e)(2) expenditures (1) Type (2) Amount	12c(2)	
	d Other deductions (see instructions) Type	12d	
Credits	13a Low-income housing credit (section 42(j)(5))	13a	
	b Low-income housing credit (other)	13b	
	c Qualified rehabilitation expenditures (rental real estate) (attach Form 3468)	13c	
	d Other rental real estate credits (see instructions) Type	13d	
	e Other rental credits (see instructions) Type	13e	
	f Alcohol and cellulosic biofuel fuels credit (attach Form 6478)	13f	
	g Other credits (see instructions) Type	13g	
Foreign Transactions	14a Name of country or U.S. possession		
	b Gross income from all sources	14b	
	c Gross income sourced at shareholder level Foreign gross income sourced at corporate level	14c	
	d Passive category	14d	
	e General category	14e	
	f Other (attach statement) Deductions allocated and apportioned at shareholder level	14f	
	g Interest expense	14g	
	h Other Deductions allocated and apportioned at corporate level to foreign source income	14h	
	i Passive category	14i	
	j General category	14j	
	k Other (attach statement) Other information	14k	
	l Total foreign taxes (check one): <input type="checkbox"/> Paid <input type="checkbox"/> Accrued	14l	
	m Reduction in taxes available for credit (attach statement)	14m	
	n Other foreign tax information (attach statement)		
Alternative Minimum Tax (AMT) Items	15a Post-1986 depreciation adjustment	15a	1,512
	b Adjusted gain or loss	15b	
	c Depletion (other than oil and gas)	15c	
	d Oil, gas, and geothermal properties—gross income	15d	
	e Oil, gas, and geothermal properties—deductions	15e	
	f Other AMT items (attach statement)	15f	
Items Affecting Shareholder Basis	16a Tax-exempt interest income	16a	
	b Other tax-exempt income	16b	
	c Nondeductible expenses	16c	5,657
	d Distributions (attach statement if required) (see instructions)	16d	49,084
	e Repayment of loans from shareholders	16e	
Other Information	17a Investment income	17a	
	b Investment expenses	17b	
	c Dividend distributions paid from accumulated earnings and profits	17c	
	d Other items and amounts (attach statement)		
Reconciliation	18 Income/loss reconciliation. Combine the amounts on lines 1 through 10 in the far right column. From the result, subtract the sum of the amounts on lines 11 through 12d and 14i	18	134,195

Schedule L Balance Sheets per Books	Beginning of tax year		End of tax year	
	(a)	(b)	(c)	(d)
Assets				
1 Cash		6,774		45,747
2a Trade notes and accounts receivable				
b Less allowance for bad debts		0		0
3 Inventories				74,862
4 U.S. government obligations				
5 Tax-exempt securities (see Instructions)				
6 Other current assets (attach statement)				
7 Loans to shareholders				
8 Mortgage and real estate loans				
9 Other investments (attach statement)				
10a Buildings and other depreciable assets			47,926	
b Less accumulated depreciation		0	6,149	41,777
11a Depletable assets				
b Less accumulated depletion		0		0
12 Land (net of any amortization)				
13a Intangible assets (amortizable only)			90,138	
b Less accumulated amortization		0	745	89,393
14 Other assets (attach statement)				
15 Total assets		6,774		251,779
Liabilities and Shareholders' Equity				
16 Accounts payable				
17 Mortgages, notes, bonds payable in less than 1 year				
18 Other current liabilities (attach statement)				47,960
19 Loans from shareholders				
20 Mortgages, notes, bonds payable in 1 year or more				117,591
21 Other liabilities (attach statement)				
22 Capital stock				
23 Additional paid-in capital				
24 Retained earnings		6,774		86,228
25 Adjustments to shareholders' equity (attach statement)				
26 Less cost of treasury stock				
27 Total liabilities and shareholders' equity		6,774		251,779

Schedule M-1 Reconciliation of Income (Loss) per Books With Income (Loss) per Return

Note: Schedule M-3 required instead of Schedule M-1 if total assets are \$10 million or more—see instructions

1 Net income (loss) per books	128,538	5 Income recorded on books this year not included on Schedule K, lines 1 through 10 (itemize):	
2 Income included on Schedule K, lines 1, 2, 3c, 4, 5a, 6, 7, 8a, 9, and 10, not recorded on books this year (itemize):		a Tax-exempt interest \$	0
3 Expenses recorded on books this year not included on Schedule K, lines 1 through 12 and 14l (itemize):		6 Deductions included on Schedule K, lines 1 through 12 and 14l, not charged against book income this year (itemize):	
a Depreciation \$		a Depreciation \$	0
b Travel and entertainment \$ 5,657			0
	5,657	7 Add lines 5 and 6	0
4 Add lines 1 through 3	134,195	8 Income (loss) (Schedule K, line 18). Line 4 less line 7.	134,195

Schedule M-2 Analysis of Accumulated Adjustments Account, Other Adjustments Account, and Shareholders' Undistributed Taxable Income Previously Taxed (see instructions)

	(a) Accumulated adjustments account	(b) Other adjustments account	(c) Shareholders' undistributed taxable income previously taxed
1 Balance at beginning of tax year	6,774		
2 Ordinary income from page 1, line 21	134,195		
3 Other additions			
4 Loss from page 1, line 21			
5 Other reductions	5,657		
6 Combine lines 1 through 5	135,312	0	0
7 Distributions other than dividend distributions	49,084	0	0
8 Balance at end of tax year. Subtract line 7 from line 6	86,228	0	0

K-1 Statement (Sch K-1, Form 1120S)

Line 15 - AMT Items

A Code A - Post-1986 depreciation adjustment A 1,512

Line 16 - Items affecting shareholder basis

C Code C - Nondeductible expenses C 5,657

D Code D - Distributions D 49,084

Depreciation and Amortization

(Including Information on Listed Property)

Department of the Treasury
Internal Revenue Service (99)

▶ See separate instructions. ▶ Attach to your tax return.

Name(s) shown on return Guardian Eagle Security LLC	Business or activity to which this form relates 1120S - Sales	Identifying number 26-1868248
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Part I Election To Expense Certain Property Under Section 179

Note: If you have any listed property, complete Part V before you complete Part I.

1 Maximum amount (see instructions)	1	500,000
2 Total cost of section 179 property placed in service (see instructions)	2	138,064
3 Threshold cost of section 179 property before reduction in limitation (see instructions)	3	2,000,000
4 Reduction in limitation. Subtract line 3 from line 2. If zero or less, enter -0-	4	0
5 Dollar limitation for tax year. Subtract line 4 from line 1. If zero or less, enter -0-. If married filing separately, see instructions	5	500,000

6 (a) Description of property	(b) Cost (business use only)	(c) Elected cost	
7 Listed property. Enter the amount from line 29	7		
8 Total elected cost of section 179 property. Add amounts in column (c), lines 6 and 7	8		0
9 Tentative deduction. Enter the smaller of line 5 or line 8	9		0
10 Carryover of disallowed deduction from line 13 of your 2009 Form 4562	10		
11 Business income limitation. Enter the smaller of business income (not less than zero) or line 5 (see instructions)	11		
12 Section 179 expense deduction. Add lines 9 and 10, but do not enter more than line 11	12		0
13 Carryover of disallowed deduction to 2011. Add lines 9 and 10, less line 12	▶ 13		0

Note: Do not use Part II or Part III below for listed property. Instead, use Part V.

Part II Special Depreciation Allowance and Other Depreciation (Do not include listed property.) (See instructions.)

14 Special depreciation allowance for qualified property (other than listed property) placed in service during the tax year (see instructions)	14	
15 Property subject to section 168(f)(1) election	15	
16 Other depreciation (including ACRS)	16	855

Part III MACRS Depreciation (Do not include listed property.) (See instructions.)

Section A

17 MACRS deductions for assets placed in service in tax years beginning before 2010	17	
18 If you are electing to group any assets placed in service during the tax year into one or more general asset accounts, check here <input type="checkbox"/>		

Section B - Assets Placed in Service During 2010 Tax Year Using the General Depreciation System

(a) Classification of property	(b) Month and year placed in service	(c) Basis for depreciation (business/investment use only—see instructions)	(d) Recovery period	(e) Convention	(f) Method	(g) Depreciation deduction
19 a 3-year property						
b 5-year property		40,376	5	MQ	200DB	5,857
c 7-year property		1,050	7	MQ	200DB	188
d 10-year property						
e 15-year property						
f 20-year property						
g 25-year property			25 yrs.		S/L	
h Residential rental property			27.5 yrs.	MM	S/L	
i Nonresidential real property			39 yrs.	MM	S/L	

Section C - Assets Placed in Service During 2010 Tax Year Using the Alternative Depreciation System

20 a Class life	(b) Month and year placed in service	(c) Basis for depreciation (business/investment use only—see instructions)	(d) Recovery period	(e) Convention	(f) Method	(g) Depreciation deduction
b 12-year			12 yrs.		S/L	
c 40-year			40 yrs.	MM	S/L	

Part IV Summary (See instructions.)

21 Listed property. Enter amount from line 28	21	
22 Total. Add amounts from line 12, lines 14 through 17, lines 19 and 20 in column (g), and line 21. Enter here and on the appropriate lines of your return. Partnerships and S corporations - see instructions	22	6,900
23 For assets shown above and placed in service during the current year, enter the portion of the basis attributable to section 263A costs	▶ 23	

For Paperwork Reduction Act Notice, see separate Instructions.

Line 19 (1120S) - Other Deductions

1	Travel, Meals and Entertainment		
	a Travel		1a 23,515
	b Meals and entertainment, subject to 50% limit	1b 11,314	
	c Meals and entertainment, subject to 80% limit (DOT)	1c	
	d Less disallowed	1d 5,657	
	e Subtract line d from lines b and c		1e 5,657
2	Auto Expense		2 32,541
3	Bank & Credit Card Expense		3 1,865
4	Computer Expense		4 1,922
5	Credit Reporting Expense		5 23,517
6	Customer Reimbursements		6 52,445
7	Dues & Subscriptions		7 2,037
8	Insurance Expense		8 29,501
9	Office Supplies		9 10,224
10	Postage & Shipping		10 1,113
11	Professional Fees		11 3,825
12	Sales Commissions		12 1,059,734
13	Telephone & Internet		13 20,877
14	Training		14 5,561
15	Uniform Expense		15 7,174
16	Utilities		16 4,621
17	Vector Fees		17 3,778
18	Total other deductions		18 1,289,907

Line 18, Sch L (1120S) - Other Current Liabilities

		Beginning	End
1	Accrued Payroll		47,960
2	Total other current liabilities	0	47,960

Δ'S #2

Copy B To Be Filed with Employee's FEDERAL Tax Return.		2012 OMB No. 1545-0008	
a Employee's SSN	1 Wages, tips, other comp. 169004.63	2 Federal income tax withheld	31056.72
	3 Social security wages	4 Social security tax withheld	5215.73
b Employer ID no. (EIN)	110100.00	5 Medicare wages and tips	169004.63
26-1868248	169004.63	6 Medicare tax withheld	2450.57
c Employer's name, address, and ZIP code AVSX TECHNOLOGIES LLC AVSX TECHNOLOGIES 1140 BRIARGATE CIR COLUMBIA SC 29210			
d Control number			
e Employee's name, address, and ZIP code LUIS ENDARA [REDACTED] Suff.			
7 Social security tips	8 Allocated tips	9 [REDACTED]	
10 Dependent care benefits	11 Nonqualified plans	12a Code See inst. for box 12	
13 Statutory employee	14 Other	12b Code	
Retirement Plan		12c Code	
Third-party sick pay		12d Code	
SC 25549789-4	169004.63	13485.61	
15 State Employer's state ID number	16 State wages, tips, etc.	17 State income tax	
18 Local wages, tips, etc.	19 Local income tax	20 Locality name	

Form W-2 Wage and Tax Statement. This information is being furnished to the Internal Revenue Service. Dept. of the Treasury - IRS

Copy 2 To Be Filed With Employee's State, City, or Local Income Tax Return.		2012 OMB No. 1545-0008	
a Employee's SSN	1 Wages, tips, other comp. 169004.63	2 Federal income tax withheld	31056.72
	3 Social security wages	4 Social security tax withheld	5215.73
b Employer ID no. (EIN)	110100.00	5 Medicare wages and tips	169004.63
26-1868248	169004.63	6 Medicare tax withheld	2450.57
c Employer's name, address, and ZIP code AVSX TECHNOLOGIES LLC AVSX TECHNOLOGIES 1140 BRIARGATE CIR COLUMBIA SC 29210			
d Control number			
e Employee's name, address, and ZIP code LUIS ENDARA [REDACTED] Suff.			
7 Social security tips	8 Allocated tips	9 [REDACTED]	
10 Dependent care benefits	11 Nonqualified plans	12a Code See inst. for box 12	
13 Statutory employee	14 Other	12b Code	
Retirement Plan		12c Code	
Third-party sick pay		12d Code	
SC 25549789-4	169004.63	13485.61	
15 State Employer's state ID number	16 State wages, tips, etc.	17 State income tax	
18 Local wages, tips, etc.	19 Local income tax	20 Locality name	

Form W-2 Wage and Tax Statement. Dept. of the Treasury - IRS

This information is being furnished to the Internal Revenue Service. If you are required to file a tax return, a negligence penalty or other sanction may be imposed on you if this income is taxable and you fail to report it.

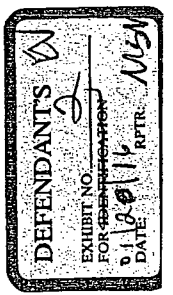
Copy C For EMPLOYEE'S RECORDS. (See Notice to Employees).		2012 OMB No. 1545-0008	
a Employee's SSN	1 Wages, tips, other comp. 169004.63	2 Federal income tax withheld	31056.72
	3 Social security wages	4 Social security tax withheld	5215.73
b Employer ID no. (EIN)	110100.00	5 Medicare wages and tips	169004.63
26-1868248	169004.63	6 Medicare tax withheld	2450.57
c Employer's name, address, and ZIP code AVSX TECHNOLOGIES LLC AVSX TECHNOLOGIES 1140 BRIARGATE CIR COLUMBIA SC 29210			
d Control number			
e Employee's name, address, and ZIP code LUIS ENDARA [REDACTED] Suff.			
7 Social security tips	8 Allocated tips	9 [REDACTED]	
10 Dependent care benefits	11 Nonqualified plans	12a Code See inst. for box 12	
13 Statutory employee	14 Other	12b Code	
Retirement Plan		12c Code	
Third-party sick pay		12d Code	
SC 25549789-4	169004.63	13485.61	
15 State Employer's state ID number	16 State wages, tips, etc.	17 State income tax	
18 Local wages, tips, etc.	19 Local income tax	20 Locality name	

Form W-2 Wage and Tax Statement. Dept. of the Treasury - IRS

OBMB22C 10/10/12

Copy 2 To Be Filed With Employee's State, City, or Local Income Tax Return.		2012 OMB No. 1545-0008	
a Employee's SSN	1 Wages, tips, other comp. 169004.63	2 Federal income tax withheld	31056.72
	3 Social security wages	4 Social security tax withheld	5215.73
b Employer ID no. (EIN)	110100.00	5 Medicare wages and tips	169004.63
26-1868248	169004.63	6 Medicare tax withheld	2450.57
c Employer's name, address, and ZIP code AVSX TECHNOLOGIES LLC AVSX TECHNOLOGIES 1140 BRIARGATE CIR COLUMBIA SC 29210			
d Control number			
e Employee's name, address, and ZIP code LUIS ENDARA [REDACTED] Suff.			
7 Social security tips	8 Allocated tips	9 [REDACTED]	
10 Dependent care benefits	11 Nonqualified plans	12a Code See inst. for box 12	
13 Statutory employee	14 Other	12b Code	
Retirement Plan		12c Code	
Third-party sick pay		12d Code	
SC 25549789-4	169004.63	13485.61	
15 State Employer's state ID number	16 State wages, tips, etc.	17 State income tax	
18 Local wages, tips, etc.	19 Local income tax	20 Locality name	

Form W-2 Wage and Tax Statement. Dept. of the Treasury - IRS



△ 5 # 2

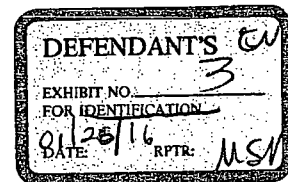
AVSX Technologies, LLC
1140 Briaragate Circle
Columbia SC 29210

Luis Endara.



OMB No. 1545-0008		a Employee's social security number [REDACTED]		b Employer identification number (EIN) 26-1868248			
c Employer's name, address, and ZIP code AVSX Technologies, LLC 1140 Briaragate Circle Columbia SC 29210		1 Wages, tips, other comp 172249.99	2 Federal income tax withheld 41089.76	3 Social security wages 113700.00			
		4 SS tax withheld 7049.40	5 Medicare wages and tips 172249.99	6 Medicare tax withheld 2497.62			
		7 Social security tips	8 Allocated tips	[REDACTED]			
d Control number		e Employee's first name and initial Last name Suff. Luis Endara.		Form W-2 Wage and Tax Statement 2013 Copy 2 To Be Filled with Employee's State, City, or Local Income Tax Return			
f Employee's address and ZIP code		10 Dependent care benefits	11 Nonqualified plans			12a See instructions for box 12	
13 State Employee's state ID number: SC J25549789-d		13 Statutory employee <input type="checkbox"/>	14 Other			12b	
16 State wages, tips, etc. 172249.99		17 State income tax 11789.21	18 Local wages, tips, etc.			12c	
19 Local income tax		20 Locality name		12d			

Department of the Treasury—Internal Revenue Service



Page 1

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE DISTRICT OF SOUTH CAROLINA
 3 COLUMBIA DIVISION
 4
 5 MONITRONICS INTERNATIONAL, INC.,
 6 Plaintiff,
 7 vs. Case No: 3:12-cv-02431-MBS
 8 AVSX TECHNOLOGIES, LLC and JAMES
 9 WILSON, INDIVIDUALLY,
 10 Defendants.
 11
 12 DEPOSITION
 13 WITNESS: AVSX TECHNOLOGIES, by and through
 14 LUIS EHOARA
 15 DATE: Friday, October 25, 2013
 16 TIME: 9:32 a.m.
 17 LOCATION: Barnes Alford Stock & Johnson LLP
 18 3613 Main Street
 19 Columbia, South Carolina 29201
 20 TAKEN BY: Attorneys for the Plaintiff
 21 REPORTED BY: TRACY L. BROWN
 22 Certified Shorthand Reporter (CA)
 23 -----
 24 COMPUSCRIPTS, INC.
 25 Columbia, South Carolina 29202

Page 3

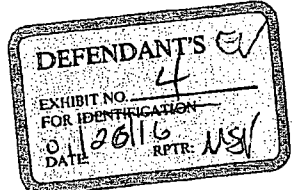
1 STIPULATION: It is stipulated by counsel that
 2 this deposition is being taken in accordance with the
 3 South Carolina Rules of Civil Procedure, and that the
 4 deponent waives the right to read and sign the deposition
 5 transcript.
 6 -----
 7 (Exhibits 32 through 36 were marked
 8 for identification and attached hereto.)
 9 LUIS ENDARA, being first duly sworn,
 10 testified as follows:
 11 BY MR. CULP:
 12 Q Will you please state your full name for the
 13 record.
 14 A Luis Endara.
 15 Q Where do you currently live?
 16 A In Columbia, South Carolina.
 17 Q Can you give me the address.
 18 A 402 Nautique, H-a-u-t-l-q-u-e, Circle, Columbie
 19 29228.
 20 Q And your business address?
 21 A It's 1140 Briarcliff Circle. That's in Columbia
 22 29210.
 23 Q And how are you currently employed?
 24 A In which way? Can you rephrase the question?
 25 Q You're the owner of --

Page 2

1 APPEARANCES:
 2 ATTORNEYS FOR PLAINTIFF:
 3 CULP & DYER, LLP
 4 By: MARC S. CULP, ESQUIRE
 5 and -
 6 RACHAEL BRAND, ESQUIRE
 7 222 East McKinney Street
 8 Suite 210
 9 Denton, Texas 76201
 10 NELSON MULLINS RILEY & SCARBOROUGH LLP
 11 By: JOHN F. KUPPENS, ESQUIRE
 12 Meridian / 17th Floor
 13 1320 Main Street
 14 Columbia, South Carolina 29201
 15 ATTORNEYS FOR THIRD-PARTY DEFENDANT COLONY:
 16 FREEMAN MATHIS & GARY, LLP
 17 By: PHILIP W. MAVRIN, ESQUIRE
 18 100 Galeria Parkway
 19 Suite 1600
 20 Atlanta, Georgia 30339
 21 ATTORNEYS FOR DEFENDANT AVSX TECHNOLOGIES:
 22 BARNES ALFORD STORK & JOHNSON, LLP
 23 By: CURTIS W. DOWLING, ESQUIRE
 24 1613 Main Street
 25 Columbia, South Carolina 29201
 ATTORNEYS FOR DEFENDANT JAMES WILSON:
 COLLINS & LACY, PC
 By: CHRISTIAN BOESL, ESQUIRE
 1330 Lady Street
 Sixth Floor
 Columbia, South Carolina 29201
 (INDEX AT REAR OF TRANSCRIPT)

Page 4

1 A I'm the vice president of AVSX. The actual legal
 2 owner on paper is Macy Key Johnson.
 3 Q So your title is vice president?
 4 A For me. We don't -- Bobby and I don't have
 5 titles per se. We assume whatever role is required. If I
 6 need to be whatever I need to be at that moment to
 7 represent our staff, that's what I will be. But typically
 8 I handle the operations of our company.
 9 Q All right. And what's Bobby Johnson's title?
 10 A Same thing as me. He could be the CEO today or
 11 the -- or president, whichever. We really don't have
 12 titles per se in reality. We share equal -- equal
 13 responsibilities.
 14 Q How do you divide responsibilities for operating
 15 AVSX between you and Bobby?
 16 A Typically I handle the operations of the company.
 17 and he handles the finances and the sales and marketing.
 18 But if I am not present at one time, he can handle the
 19 operations and vice versa. We kind of share roles to some
 20 extent.
 21 Q Give me an idea of what's involved in your job as
 22 -- when you're in charge of operations.
 23 A The making sure that the installers are doing
 24 their job, making sure that when a salesperson sells a
 25 job, that the office does their role of ensuring that the



△'s #5

Tuesday, October 7, 2014 at 12:16:31 PM Eastern Daylight Time

Subject: Articles..pdf

Date: Monday, October 14, 2013 at 5:59:13 PM Eastern Daylight Time

From: Luis Endara

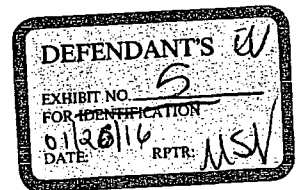
To: Brent Helms

CC: Bobby Johnson

We don't have an operating agreement, but do have article of incorporation where shows Mary Kay the sole owner.

Please let me know if you need anything else.

Thank you



STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

LUIS ENDARA)

Plaintiff,)

vs.)

RAMONA ENDARA)

Defendant.)

IN THE FAMILY COURT OF THE
FIFTH JUDICIAL CIRCUIT

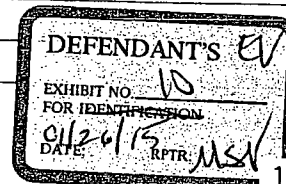
FINANCIAL DECLARATION
OF LUIS ENDARA

Docket No. 12DR400547

HUSBAND/FATHER		WIFE/MOTHER	
Address	402 NAUTIQUE CIRCLE, COLUMBIA SC 29229	Address	
Age	45	Age	
Occupation	VP OF OPERATIONS	Occupation	
Employer	AVSX TECHNOLOGIES	Employer	
Employer Address	1140 BRIARGATE CIRCLE, COLUMBIA, SC 29210	Employer Address	

Gross Monthly Income	Husband/Father	Wife/Mother
Principal Earnings from Employment ¹	14,083	
Overtime, Tips, Commission, Bonuses ²	0	
Pensions, Retirement, and Annuities income	0	
Additional Employment income	0	
Social Security Benefits (SSA) and VA Benefits	0	
Disability and Worker's Compensation Benefits	0	
Unemployment and AFDC	0	
Spousal or Child Support (from other marriage/relationship)	0	
Dividends, Interest, Trust Income, and Capital Gains	0	
Rental Income and Business Profits	0	
Other (Specify):	0	
TOTAL GROSS MONTHLY INCOME	14,083	

Payroll Deductions from Monthly Income	Husband/Father	Wife/Mother
Federal Income Tax ³	2,580	
State Income Tax	974	
Social Security and Medicare Tax (FICA)	796	
Self-Employment Tax	0	
Health and Dental Insurance (Adult)	0	
Health and Dental Insurance (Child)	0	
Union Dues	0	
Voluntary Retirement Contribution (401(k), 457, IRA)	0	
Mandatory Retirement Contribution	0	
Savings Plan	0	
Other (Specify):	0	
TOTAL MONTHLY DEDUCTIONS	4,350	
NET MONTHLY INCOME ⁴	9,733	



Estimate monthly expenses: (Specify which party is the custodial parent and list name and relationship of all members of household whose expenses are included. LAURA ENDARA (DAUGHTER); JACQUELYN ENDARA (DAUGHTER); LUIS C. ENDARA (SON); AND LUIS ENDARA (SELF).

MONTHLY EXPENSES ⁵		Husband/Father	Wife/Mother
Residential Rent Payment			
Note or Mortgage Payment on Residence(s)		0	
Food and Household Supplies ⁶		3,100	
Utilities, Water, and Garbage Collection		1,100	
Telephone and Cellular Phone		445	
Medical, Dental and Disability Insurance Premiums (not deducted from paycheck)		0	
Life Insurance Premiums (not deducted from paycheck)		0	
Child Support (from other relationship)		0	
Work Related Day Care		0	
Spousal Support (from prior marriage)		0	
Auto Payment		0	
Auto Insurance, taxes, gasoline, and maintenance ⁷		890	
SUBTOTAL:	5,835	300	
Real Property Tax on Residence(s)		INCLUDED IN MTG	
Maintenance for household ⁸		100	
Adult Clothing		75	
Children's Clothing ⁹		175	
Cable Television, Satellite, and Internet/Online Services		280	
Laundry and Dry Cleaning ¹⁰		0	
Medical and Dental Expenses (not paid by insurance)		0	
Prescriptions, Glasses, and Contacts (not paid by insurance)		25	
Children's incidental expenses ¹¹		200	
School lunches, supplies, field trips, and fees ¹²		207	
Entertainment ¹³		200	
Adult Incidental expenses ¹⁴		200	
All Installment payments ¹⁵		0	
Other (Specify): IRS BILL		2,000	
SUBTOTAL:	3,462		
TOTAL MONTHLY EXPENSES		9,297	

Installment Loan Payments Section

Creditor	For	Monthly Payment	Balance	Owed by ¹⁶

Other Debts and Obligations *not* payable in monthly installments

Creditor	For	Date Payable	Balance	Owed by ¹⁶

Are you currently in Bankruptcy? YES NO

Are any obligations listed above, including mortgage and note payments, in arrears? YES NO

If yes, please list the obligations in arrears.

All Marital Property Known to Parties

Assets	Husband/Father	Wife/Mother	Joint
Cash and Money in Checking Account(s)	0		
Money in Savings Account(s), Credit Union, Money Market, or Cert. of Dep.	0		
Value of Voluntary Retirement Account(s)	0		
Value of Pension Account	0		
Value of Publicly Held Stocks, Bonds, Securities, Mutual Funds	0		
Value of Privately Held Stocks and Other Business	0		
Value of Real Estate - Net of Mortgage Balances	0		
Value of All Other Property ¹⁷	0		
TOTAL ASSETS	0		

Any Non Marital Property Known to Parties

Description of Asset	Title Owner	Date of Acquisition	Source of Funds to Acquirer	Estimate Present market Value

If total assets are less than \$300,000.00, sign and have notarized.

If total assets are greater than \$300,000.00, itemize assets by completing additional sections below and sign and have notarized.

Financial Accounts Section¹⁸

Owner	Name of Institution	Type of Account	Balance

Voluntary Retirement Accounts and Pension Accounts Section

Type of Account	Value

Publicly Held Stocks, Bonds, Securities, Mutual Funds Section (Non-Retirement)¹⁹

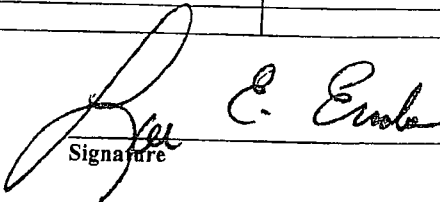
Name of Company	Number of Shares/Type of Account	Value

Real Estate Section²⁰

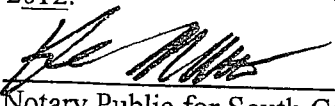
Owner	Address	Value	Mortgage Balance	Mortgage Equity

Other Property Section¹⁷

Owner	Description of Asset	Value	Loan Balance	Equity


 Signature _____

Sworn to before me this 6 of MARCH, 2012.

 (SEAL)
 Notary Public for South Carolina
 My commission expires: 1/14/2014

Custodial Parent (if applicable): _____

1350

SOUTH CAROLINA DEPARTMENT OF REVENUE

BUSINESS TAX APPLICATION
INTERNET REGISTRATION: www.sctax.org

TELEPHONE (803) 896-1350

Mail To: SC DEPARTMENT OF REVENUE,

REGISTRATION UNIT

COLUMBIA, SC 29214-0140



FOR OFFICE USE ONLY

SID# _____
W/H _____
SALES _____
USE _____
LICENSE TAX _____
14-2601

SCTC-111
(Rev. 10/18/07)
8011

TAXES TO BE REGISTERED FOR THIS BUSINESS LOCATION

- WITHHOLDING (complete section A)
- Nonresident Withholding Exemption (complete section B)
- SALES (complete section C; \$50.00 license tax is required)
- PURCHASER'S CERTIFICATE (complete section D)

COMPLETE BOTH SIDES OF THIS APPLICATION

PLEASE PRINT OR TYPE ALL INFORMATION

1. OWNER, PARTNERSHIP, OR CORPORATE CHARTER NAME
Guardian Eagle Security LLC

2. TRADE NAME (DOING BUSINESS AS)
AVSX Technologies

3. PHYSICAL LOCATION OF BUSINESS REQUIRED (NO P.O. BOX)
1140 Briargate Cir
STREET
Columbia Richland SC 29210
CITY COUNTY (REQUIRED) STATE ZIP

4. BUSINESS PHONE NUMBER 803-673-6684 DAYTIME PHONE NUMBER _____

5. FEDERAL IDENTIFICATION NUMBER
26-1868248

7. TYPE OF BUSINESS
 AGRICULTURE, FORESTRY, FISHING & HUNTING (11) PROFESSIONAL, SCIENTIFIC, & TECHNICAL SERVICES (54)
 MINING (21) MANAGEMENT OF COMPANIES & ENTERPRISES (55)
 UTILITIES (22) ADMINISTRATIVE AND SUPPORT, WASTE MANAGEMENT & REMEDIATION SERVICES (56)
 CONSTRUCTION (23) EDUCATION SERVICES (61)
 MANUFACTURING (31-33) HEALTH CARE & SOCIAL ASSISTANCE (82)
 WHOLESALE TRADE (42) RETAIL TRADE (44-45) ARTS, ENTERTAINMENT, & RECREATION (71)
 RETAIL TRADE (44-45) TRANSPORTATION & WAREHOUSE (48-49) ACCOMMODATION & FOOD SERVICES (72)
 INFORMATION (51) OTHER SERVICES (81)
 FINANCE & INSURANCE (52) PUBLIC ADMINISTRATION (92)
 REAL ESTATE, RENTAL & LEASING (53)

8. MAIN BUSINESS (I.E., RETAIL FURNITURE SALES)
Security Alarm Sales

8A. CHECK IF YOU SELL THESE PRODUCTS (for Solid Waste Purposes):
 MOTOR OIL LEAD ACID BATTERIES TIRES LARGE APPLIANCES

8B. DO YOU SELL AVIATION GASOLINE/JET FUEL? YES NO

8C. DO YOU PROVIDE SERVICE TO CELLULAR AND PERSONAL COMMUNICATIONS USERS? YES NO

11. NAME(S) OF BUSINESS OWNER, GENERAL PARTNERS, OFFICERS OR MEMBERS:

SOCIAL SECURITY NUMBER	NAME/TITLE/GENERAL PARTNERS	HOME ADDRESS	IF PARTNER PERCENT OWNED
<u>589-48-8663</u>	<u>Mary K. Johnson</u>	<u>141 Forty Love Pt Chapm SC</u>	<u>100</u>

ARE YOU A SC RESIDENT? (Y/N) Yes HOW LONG HAVE YOU LIVED IN SC? 10 (YEARS, MONTHS)

12. HAVE YOU:

A. ACQUIRED ANOTHER BUSINESS? YES NO
 MERGED WITH ANOTHER BUSINESS? YES NO
 FORMED A CORPORATION OR PARTNERSHIP YES NO
 MADE ANY OTHER CHANGE IN THE OWNERSHIP? YES NO

B. DID YOU ACQUIRE: ALL OF THE SOUTH CAROLINA OPERATIONS? YES
 PART OF THE SOUTH CAROLINA OPERATIONS?
 PERCENTAGE ACQUIRED: 100%

C. DATE ACQUIRED OR CHANGED: 1/1/10
 WAS THE BUSINESS OPERATING AT THE TIME OF ACQUISITION OR CHANGE? YES NO
 DATE CLOSED: _____
 DOES THE FORMER OWNER OR LEGAL ENTITY CONTINUE TO HAVE EMPLOYEE? YES NO

D. FORMER OWNER'S S.C.E.S.C. ACCOUNT NUMBER: _____
 FORMER OWNER'S S.C.E.S.C. ACCOUNT NUMBER: _____

E. NAME OF BUSINESS ACQUIRED: _____
 ADDRESS OF FORMER OWNER: _____
 (Full organization name including trade name)

13. FIRST DATE OF EMPLOYMENT IN S.C. 3/16/10 14. ANTICIPATED DATE OF FIRST S.C. PAYROLL 4/5/10 15. ESTIMATE NUMBER OF EMPLOYEES IN S.C. 15

16. IS BUSINESS WITHIN SC MUNICIPAL LIMITS? YES NO WHICH CITY? _____ 17. IS YOUR BUSINESS SEASONAL? YES NO IF YES, LIST MONTHS ACTIVE: _____

COMPLETE REVERSE SIDE OF THIS FORM

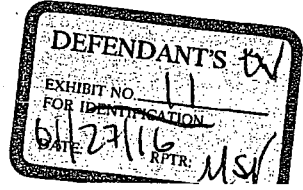
I CERTIFY THAT ALL INFORMATION ON THIS APPLICATION, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

[Signature]
SIGNATURE OF OWNER, ALL PARTNERS, OR CORPORATE OFFICER

CFO
TITLE

8/2/10
DATE

80111024



1018

SECTION A: TO APPLY FOR WITHHOLDING NUMBER Every employer having employees earning wages in SC must register for withholding. Other types of payments also require state tax withholding.

STATUS OF EMPLOYER (CHECK ONE):

- RESIDENT - Principal place of activity inside SC
 NONRESIDENT - Principal place of activity outside SC

CLASSIFICATION OF RESIDENT EMPLOYER (CHECK ONE):

- 01 Tax withheld from sources that do not require withholding (Ex.: Domestic Help, Farmers, Fishermen)
 02 FEDERAL withholding (941 total) does not exceed \$2,500.00 per quarter
 03 FEDERAL withholding (941 total) is less than \$50,000 during 12-month lookback period
 04 FEDERAL withholding (941 total) is greater than \$50,000 during 12-month lookback period

CLASSIFICATION OF NONRESIDENT EMPLOYER (CHECK ONE):

- 01 Tax withheld from sources that do not require withholding (Ex.: Domestic Help, Farmers, Fishermen)
 05 SC State withholding is less than \$500 per quarter
 06 SC State withholding Totals \$500 or more per quarter

SECTION B: EXEMPTION FROM WITHHOLDING ON NONRESIDENTS

- Check the appropriate block to administratively register with the Department and claim exemption from nonresident withholding required by SC Code Sections 12-8-540 (rents and royalties), 12-8-550 (temporarily doing business or performing services in SC), or 12-8-570 (trust or estate beneficiaries). The exempt person agrees to be subject to the jurisdiction of the Department and the S.C. courts to determine S.C. tax liability, including withholding, estimated taxes, and interest and penalties, if any. Registering is not an admission of tax liability, and, does not, by itself, require the filing of a tax. See instructions for further information.
- I agree to file SC tax return I am not subject to SC Tax Jurisdiction (no NEXUS)

SECTION C: TO APPLY FOR RETAIL SALES LICENSE (\$50.00 LICENSE TAX IS REQUIRED.)

In and out-of state sellers. A retail license will not be issued to a person with any outstanding state tax liability. Any license tax paid with this application will be applied to the tax liability.

- IN-STATE SELLER OUT-OF-STATE SELLER
If applying for Retail License, a \$50.00 Sales License Tax is required with this application.

ANTICIPATED DATE OF FIRST SALES
mo/da/yr

HOW MANY RETAIL SALES LOCATIONS DO YOU OPERATE IN S.C. UNDER YOUR OWNERSHIP?

SECTION D: TO APPLY FOR PURCHASER'S CERTIFICATE OF REGISTRATION FOR USE TAX S. C. Use Tax is imposed on the storage, use, or consumption of tangible personal property on which S.C. sales tax has not been previously paid.

EFFECTIVE DATE OF REGISTRATION
mo/da/yr

SECTION E: If mailing address for returns is different from front of application indicate type of tax this applies to.

- SALES WITHHOLDING PURCHASERS CERTIFICATE

STREET OR BOX

IN CARE OF

CITY

STATE

ZIP

PHONE

IF CURRENTLY OR PREVIOUSLY REGISTERED WITH SC DEPARTMENT OF REVENUE UNDER THIS OWNERSHIP, INDICATE ACCOUNT NUMBER(S) IN THIS SPACE

NAME OF BANKING INSTITUTION USED

Enter Internet/E-mail address

UPON COMPLETION OF BOTH SIDES, SIGN AND DATE ON FRONT OF APPLICATION.

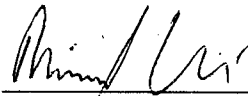
MAIL TO: SC DEPARTMENT OF REVENUE, REGISTRATION UNIT, COLUMBIA, SOUTH CAROLINA 29214-0140

80112022

1019

CERTIFICATE OF COUNSEL

The undersigned Counsel for Appellant, Michael H. Ellis, Jr., certifies that the Record on Appeal complies with Rule 210(g), SCACR.



Michael H. Ellis, Esquire
Michael W. Sautter, Esquire
Query Sautter Forsythe, LLC
The Wappoo Centre
147 Wappoo Creek Drive, Suite 202
Charleston, South Carolina 29412
(843) 795-9500

Counsel for Appellant

Charleston, South Carolina
October 12, 2017

RECEIVED
OCT 16 2017
SC SUPREME COURT