

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

NOV 17 2017

SC Court of Appeals

Edward W. Miller, Circuit Court Judge

Appellate Case No. 2017-000690

Andrew P. (Andy) Ballard,Respondent,

v.

Tim Roberson, Rick Thoennes, Rick Thoennes III,
And Warpath Development, Inc.,Defendants,

Of whom Tim Roberson isAppellant.

RESPONDENT'S DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL
and
CERTIFICATE OF COUNSEL

Wallace K. Lightsey (S.C. Bar Id. No. 6476)
WYCHE P.A.
44 East Camperdown Way
Greenville, SC 29601
(864) 242-8200

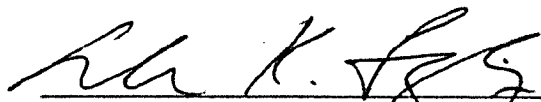
Attorneys for Respondent

Pursuant to Rule 208, SCACR, respondent hereby designates the following matter to be included in the record on appeal:

1. Order filed May 4, 2010;
2. Order of Judgment filed October 3, 2013;
3. Order Denying Motion To Stay Execution filed March 27, 2014;
4. Order Appointing Receiver filed April 23, 2014;
5. Charging Order filed April 23, 2014;
6. Order (S.C. Sup. Ct. Nov. 19, 2015);
7. Order Denying Defendant Roberson's Motion for Relief from Judgment filed February 17, 2017;
8. Order Modifying Order for Receivership filed February 17, 2017;
9. Order Transferring Defendant Roberson's LLC Interests to Receiver filed February 17, 2017;
10. Complaint filed July 30, 2008;
11. First Amended Complaint filed August 25, 2009;
12. Brief of Appellants (2010 appeal), Cover and Table of Contents;
13. Receiver's Motion To Compel Transfer of LLC Interests filed August 29, 2016;
14. Plaintiff's Motion To Modify Receivership filed September 21, 2016;
15. Transcript of 2010 Trial, pages 102-06, 218-20, 225-29, 297-98, 302-05, 356-57, 478, 536;
16. Transcript of August 6, 2013, Hearing, pages 7-8, 19-28, 45-46, 67-68, 76-78;
17. Transcript of March 13, 2014, Hearing (all);
18. Transcript of April 23, 2014, Hearing (all);
19. Transcript of January 27, 2017 Hearing (all);
20. Plaintiff's 2010 Trial Exhibits 1, 2, 4, 5, 10, 11;
21. Plaintiff's August 2013 Trial Exhibits 3, 4, 5, 7;
22. Duke Energy Letter of March 4, 2016 (handed up to Judge Miller at Jan. 2017 hearing);
23. Affidavit of Andy Ballard in opposition to Roberson Motion for Relief from Judgment and Exhibits A-D (Jan. 26, 2017).

The undersigned certifies that the Designation contains no matter that is irrelevant to the appeal.

Respectfully submitted,


Wallace K. Lightsey (S.C. Bar Id. No. 6476)
Wyche P.A.

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Date: November 17, 2017
Greenville, South Carolina

Attorneys for Respondent

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v.

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Of whom Tim Roberson is Appellant.

Certificate of Service

This is to certify that I have this date caused to be served a true and correct copy of the foregoing INITIAL BRIEF OF RESPONDENT and RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL and CERTIFICATE OF COUNSEL on opposing counsel in this action by causing the same to be deposited in the United States mail, first class postage affixed, addressed as follows:

Joshua L. Howard, Esq.
Womble Bond Dickinson (US) LLP
550 South Main Street, Suite 400
Greenville, SC 29601



Wallace K. Lightsey (S.C. Bar Id. No. 6476)
Wyche P.A.
Attorneys for Respondent

Date: November 17, 2017

W Y C H E

Attorneys at Law

November 17, 2017

Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Sumter Street
Columbia, South Carolina 29201

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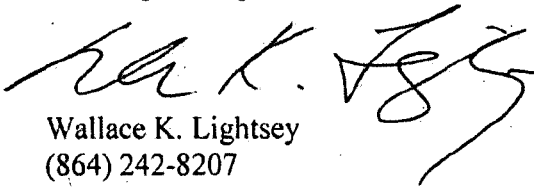
SC Court of Appeals

RE: *Ballard v. Roberson*
Appellate Case No. 2017-000690

Dear Ms. Kitchings:

Enclosed for filing please find the Initial Brief of Respondent, Respondent's Designation of Matter To Be Included in the Record on Appeal and Certificate of Counsel, and the Certificate of Service of the foregoing.

With highest regards,



Wallace K. Lightsey
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Enclosures

Cc: Joshua L. Howard, Esq.

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