

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

DEC 19 2017

Edward W. Miller, Circuit Court Judge

SC Court of Appeals

Appellate Case No. 2017-001551

Andrew P. (Andy) Ballard,Respondent,

v.

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

Of whom Rick Thoennes III isAppellant.

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

Respondent Andrew P. Ballard, requests that in addition to the documents designated by the Appellant, the following documents be included in the Record on Appeal:

1. *United States v. Thoennes*, No. 6:11-cr-02053-HFF-1, Docket Entry 14 (D.S.C. Sept. 1, 2011).
2. *Ballard v. Roberson*, 399 S.C. 588, 590, 733 S.E.2d 107, 108 (2012).

3. *Ballard v. Roberson*, Op. No. 2015-UP-364 (July 15, 2015).
4. *Ballard v. Roberson*, Op. No. 2015-UP-364 (Aug. 26, 2015).
5. Prehearing Memorandum submitted May 31, 2013 and Cover Letter.
6. Certificate as to Production of Transcript of Record of August 6, 2013.
7. Exhibits to transcript of Hearing of August 6, 2013.
8. Order of the Supreme Court of South Carolina re denial of certiorari, September 8, 2016.
9. Affidavit of Andy Ballard filed January 26, 2017.

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

Respectfully submitted,



Wallace K. Lightsey (S.C. Bar Id. No. 6476)
William M. Wilson III (S.C. Bar Id. No. 15808)
Amos A. Workman (S.C. Bar Id. No. 6231)
Wyche P.A.
44 East Camperdown Way
Greenville, SC 29601
Telephone: 864-242-2800
Facsimile: 864-235-8900
E-Mail: wlightsey@wyche.com
bwilson@wyche.com
aworkman@wyche.com
Attorneys for Respondent

Date: December 18, 2017

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

RECEIVED

DEC 19 2017

SC Court of Appeals

Appellate Case No. 2017-001551

Andrew P. (Andy) Ballard, Respondent,

v.

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

Of whom Rick Thoennes III is Appellant.

Proof of Service

This is to certify that I have this date caused to be served a true and correct copy of the foregoing RESPONDENT’S AMENDED DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL and PROOF OF SERVICE 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:

Adam Bach
Eller Tonnsen Bach
1306 S Church Street
Greenville, SC 29605



William M. Wilson III (S.C. Bar Id. No.15808)
Wyche P.A.
Attorneys for Respondent

Date: December 18, 2017