

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM OCONEE COUNTY  
Court of Common Pleas  
R. Lawton McIntosh, Circuit Court Judge

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Appellate Case No.: 2017-002472

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RECEIVED

FEB 22 2018

SC Court of Appeals

Community First Bank, Inc.,

Appellant,

v.

Frederick D. Shepherd, Jr.,

Respondent.

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**Designation Of Matter To Be  
Included In The Record On Appeal**

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Appellant W. Andrew Arnold proposes the following be included in the Record  
on Appeal:

TRANSCRIPTS

- 1 Transcript of Hearing [Motion to Compel] dated 03/15/2016
- 2 Transcript of Hearing [Sanctions] dated 03/31/2017.
- 3 Transcript of Hearing [Attorneys Fees] dated 07/28/2017

PLEADINGS

- 4 Complaint filed 08/21/2015
- 5 Answer of Frederick D. Shepherd, Jr. filed 09/18/2015
- 6 Defendants' [Community First Bank *et al.*] Answer to Plaintiff's Amended  
Complaint and Amended Counterclaims with Exs. 1-3 dated/filed  
06/26/2017 (*Fed. Case 05-cv04337*)

- 7 Community First Bank Notice of Appeal dated 11/29/2017
- 8 Community First and Frederick Shepherd Voluntary Dismissal Without Prejudice dated/filed 01/24/2018
- 9 Community First and John M. Powell Voluntary Dismissal Without Prejudice dated/filed 01/24/2018
- 10 Community First, James McCoy, MPS Golf and MPS Development Voluntary Dismissal Without Prejudice dated/filed 01/24/2018

#### ORDERS

- 11 Order Concerning Defendant Frederick D. Shepherd's Motion to Compel dated/filed 08/01/2016
- 12 Order on Defendant Frederick D. Shepherd's Motion for Sanctions dated/filed 05/25/2017
- 13 Form 4 Judgment for Attorneys Fees Awarded to Doug Patrick and Austin Watts (\$64,920.04) dated 09/13/2017 (*filed 09/14/2017*)
- 14 Order on Frederick D. Shepherd's Motion for Sanctions filed 11/13/2017

#### MOTIONS AND MEMORANDA

- 15 Defendant Frederick D. Shepherd's Motion to Compel Discovery with Attachs. A-B dated 02/26/2016
- 16 Plaintiff's Return to Motion to Defendant Frederick D. Shepherd's Motion to Compel Discovery with Exs. A-E dated 03/11/2016
- 17 Defendant Frederick D. Shepherd's Motion for Sanctions dated/filed 09/29/2016
- 18 Community First Bank's Motion to Strike and for Sanctions Against Defendant Shepherd with Exs. A-J dated/filed 10/12/2016
- 19 Defendant Frederick D. Shepherd's Memorandum in Support of Motion for Sanctions with Exs. A-Z dated/filed 01/13/2017
- 20 Response and Opposition to Defendant Frederick D. Shepherd's Memorandum in Support of Motion for Sanctions with Exs. A-J dated 02/13/2017 (*filed 02/14/2017*)

- 21 Community First Bank's Response to Issues Raised at the Hearing on the Parties' Cross-Motions for Sanctions dated 04/17/2017 *(filed 04/21/2017)*
- 22 Defendant Frederick D. Shepherd's Return to Community First Bank's Responses to Issues Raised at the Hearing for Sanctions dated 04/21/2017 *(filed 04/24/2017)*

AFFIDAVITS

- 23 Affidavit of Richard D. Burleson dated 04/12/2017 *(filed 04/17/2017)*
- 24 Second Affidavit of Richard D. Burleson dated 04/14/2017 *(filed 04/17/2017)*
- 25 L. Lee Plumbee Petition and Affidavit for Attorneys Fees with Ex. 1 dated 04/17/2017 *(filed 04/20/2017)*
- 26 Paul Landis Petition and Affidavit for Attorneys Fees with Ex. 1 dated 05/01/2017
- 27 Affidavit of Richard D. Burleson dated 06/07/2017
- 28 Affidavit of Dr. Larry S. Bowman with Exs. A-C dated 10/30/2017 *(filed 11/01/2017 in Support of Opposition to Defendant Shepherd's Motion for Summary Judgment)*
- 29 Affidavit of William M. Brown with Exs. A-C dated 10/30/2017 *(filed 11/01/2017 in Support of Opposition to Defendant Shepherd's Motion for Summary Judgment)*
- 30 Affidavit of Richard D. Burleson with Exs. A-B dated 10/30/2017 *(filed 11/01/2017 in Support of Opposition to Defendant Shepherd's Motion for Summary Judgment)*
- 31 Affidavit of John R. Hamrick with Exs. A-C dated 10/30/2017 *(filed 11/01/2017 in Support of Opposition to Defendant Shepherd's Motion for Summary Judgment)*

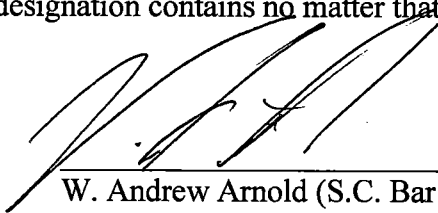
DISCOVERY

- 32 Defendant Shepherd's First Set of Requests to Admit dated 08/19/2016
- 33 Community First Bank's Responses to Defendant Shepherd's First Requests to Admit dated 09/21/2016
- 34 Community First Bank's Amended Answers to Shepherd's First Requests to Admit dated 06/09/2017

MISCELLANEOUS

- 35 Itemization of Fees on Motion for Sanctions
- 36 Defendants' Proposed Order on Shepherd's Motion for Sanctions

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



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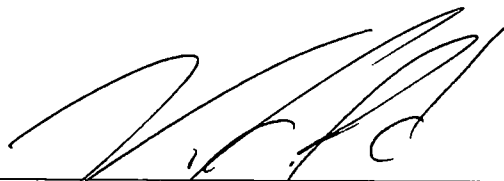
W. Andrew Arnold (S.C. Bar # 5947)  
[aarnold@hortonlawfirm.net](mailto:aarnold@hortonlawfirm.net)  
HORTON LAW FIRM, P.A.  
307 Pettigru Street  
Greenville, SC 29601  
Telephone: (864)233-4351  
Facsimile: (864)233-7142

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned did cause a copy of the foregoing document to be served by mailing and depositing a copy of the same in the United States Mail, proper postage affixed thereto, to the following:

Douglas F. Patrick, Esq.  
Austin F. Watts, Esq.  
COVINGTON PATRICK HAGINS STERN & LEWIS  
P.O. Box 2343  
Greenville, SC 29602

This the 20<sup>th</sup> day of February, 2018.



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W. Andrew Arnold (S.C. Bar # 5947)  
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**HORTON**  
**LAW FIRM, P.A.**

DAVID B. WARD  
WALLACE A. MULLINAX, JR.  
MICHAEL A. FARRY  
THOMAS F. DUGAS  
BRUCE B. CAMPBELL  
W. ANDREW ARNOLD  
JEREMY R. SUMMERLIN

OF COUNSEL

JOSEPH M JENKINS, JR.  
RICHARD N. TAPP, P.A.

VANCE B. DRAWDY  
1928-1997

J. WRIGHT HORTON  
1919-2011

February 20, 2018

Clerk of Court  
SC Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

RE: *Community First Bank, Inc. vs. Frederick D. Shepherd, Jr.*  
Appellate Case No.: 2017-002472

Dear Sir/Madam:

In reference to the above, enclosed for filing are Initial Brief of Appellant, Designation of Matter to be Included in the Record on Appeal, and Proof of Delivery.

Sincerely,

W. Andrew Arnold

WAA/jdf

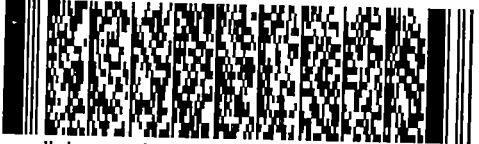
cc: Douglas F. Patrick, Esquire (with enclosures)  
Austin F. Watts, Esquire (with enclosures)

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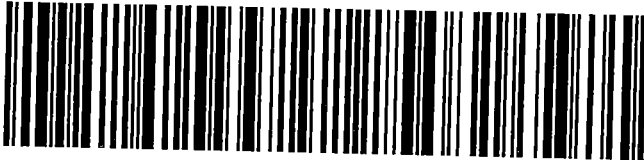
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SC Court of Appeals

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