

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

R. Scott Sprouse, Circuit Court Judge

Appellate Case No. 2017-00260

ARCpoint of Tallahassee, Inc., Greg Bowman
d/b/a Bowman Lab Solutions, Inc. d/b/a
ARCpoint Labs of Nashville; Gary Patrone d/b/a
On Trac Holdings, Inc. d/b/a ARCpoint Labs of
Tempe, ARCpoint Labs of Mesa, ARCpoint Labs
Of Phoenix – Black Canyon, Employer’s Choice
Testing, LLC, Michael Gammel d/b/a Blue
Lizard, Inc., Florence Ods, Inc., Myrtle Beach
Ods, Inc., 3 Sons Ventures, Inc.; Jumpr2,
Incorporated, Neil Seltz and Lesly Datlow d/b/a
Shamey, LLC,

Respondents,

v.

ARCpoint Franchise Group f/k/a Accudiagnosics,
LLC and ARCpoint Occupational Solutions, LLC,

Appellants.

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**APPELLANTS’ DESIGNATION OF MATTER
TO BE INCLUDED IN RECORD ON APPEAL**

Pursuant to Rule 209, SCACR, Appellants ARCpoint Franchise Group f/k/a Accudiagnosics, LLC and ARCpoint Occupational Solutions, LLC designate the following matters for inclusion in the record on appeal:

1. Order granting in part and denying in part Defendants’ Motion to Dismiss and Compel Arbitration entered September 20, 2017

2. Order denying Defendants' Motion to Reconsider, Alter and Amend entered October 11, 2017
3. Plaintiffs' Summons and Complaint and exhibits filed June 20, 2017
4. Defendants' Motion to Dismiss and Compel Arbitration and exhibits filed July 20, 2017
5. Memorandum in Support of Motion to Dismiss and Compel Arbitration with Affidavit of Felix Mirando, III and Addendum ("Excerpts of Exhibits 3, 6, and 9") filed August 21, 2017
6. Response in Opposition to Defendants' Motion to Dismiss and Compel Arbitration, filed August 22, 2017
7. Defendants' Motion to Reconsider, Alter and Amend Pursuant to Rules 52 and 59, SCRCF filed September 29, 2017
8. Transcript of Record, Hearing on Motion to Dismiss and Compel Arbitration, August 24, 2017
9. Court exhibits from hearing on Motion to Dismiss and Compel Arbitration, August, 24, 2017
10. Notice of Appeal filed October 27, 2017

The undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to the appeal.

[SIGNATURE PAGE FOLLOWS]



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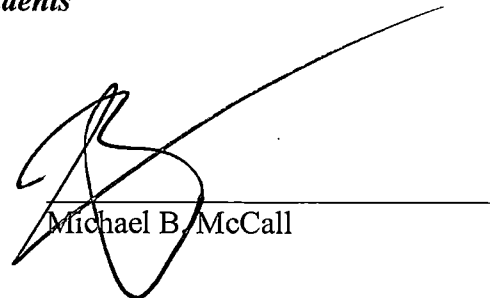
PROOF OF SERVICE

I certify that I have served the **Initial Brief of Appellants and Appellants’ Designation of Matters to be Included in the Record on Appeal** upon Respondents by depositing a copy of same in the United States Mail, postage prepaid, on February 20, 2018, addressed to Respondents’ attorneys of record as follows:

Joshua L. Howard, Esq.
Womble Bond Dickinson
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(864)255-5406
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Jeffrey C. Blumenthal, Esq.
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Attorney for Respondents

February 20th, 2018



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February 20, 2018

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

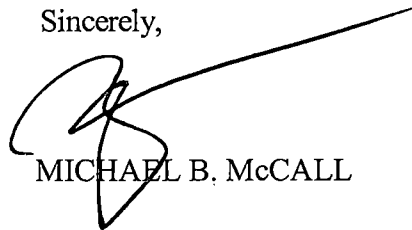
Re: ARCpoint of Tallahassee, Inc., *et al.* v. ARCpoint Franchise Group, LLC, *et al.*
Greenville County Case No.: 2017-CP-23-3986
Appellate Case No.: 2017-002260
EO File No.: 120-308

Dear Ms. Kitchings:

Enclosed for filing please find the original Initial Brief of Appellants, Appellants' Designation of Matters to be Included in the Record on Appeal, and proof of service of the same.

By copy of this correspondence, I have served the same upon all counsel of record. If you have any questions or concerns, please do not hesitate to contact me. Thank you in advance for your attention to this matter.

Sincerely,



MICHAEL B. McCALL

MBM/kjj
Enclosures

cc: Joshua L. Howard, Esq.
Jeffrey C. Blumenthal, Esq.

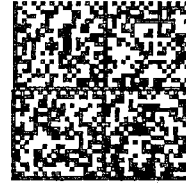


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