

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

G. Thomas Cooper, Jr., Circuit Court Judge

Appellate Case No. 2017-001690

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MAR 02 2018
SC Court of Appeals

Robert F. Berry, Respondent,

v.

Scott A. Spang, Wells Fargo Clearing Services, LLC,
f/k/a Wells Fargo Advisors, LLC,
Wachovia Securities Financial Holdings, LLC,
Wells Fargo & Company, and Wells Fargo Bank, N.A.,Appellants.

**Respondent Robert F. Berry's
Initial Designation of Matter to be Included in the Record on Appeal**

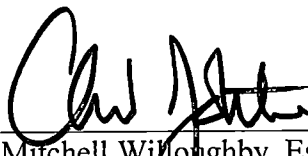
Pursuant to Rule 209, of the South Carolina Appellate Court Rules (SCACR), Respondent Robert F. Berry designates¹ the following additional matters to be included in the Record on Appeal in the above-captioned appeal:

1. Form-4 Order of the Trial Court Confirming Pending Motions are Under Advisement, filed June 1, 2017.

[SIGNATURE PAGE FOLLOWS]

¹ Mr. Berry concurs in the Designation of the above-captioned Appellants, dated November 30, 2017, and to the extent required by the Rules, hereby independently designates those identical documents by reference, including exhibits.

Respectfully submitted,



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Elizabeth Zeck, Esquire
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Attorneys for Robert F. Berry

This 2nd day of March 2018
Columbia, South Carolina

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PROOF OF SERVICE

I, the undersigned employee of Willoughby & Hoefler, P.A., do hereby certify that I have caused to be served this day one (1) copy of **Initial Brief of Respondent Robert F. Berry and Designation of Matter to be Included in the Record on Appeal** by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

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Pierce T. MacLennan, Esquire
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Laura Lee Andrews, Paralegal
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Columbia, South Carolina
This 2nd day of March, 2018.

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**ALSO ADMITTED IN WASHINGTON, D.C.
***ALSO ADMITTED IN CALIFORNIA
****ALSO ADMITTED IN NORTH CAROLINA

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court, Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: *Robert F. Berry, Respondent v. Scott A. Spang, Wells Fargo Clearing Services, LLC, f/k/a Wells Fargo Advisors, LLC, Wachovia Securities Financial Holdings, LLC, Wells Fargo & Company, and Wells Fargo Bank, N.A., Appellants.*
C/A No. 2017-CP-32-00397
Appellate Case No. 2017-001690

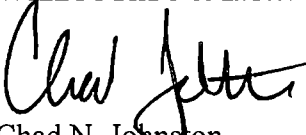
Dear Ms. Kitchings:

Enclosed for filing please find the original and one (1) copy of the **Initial Brief of Respondent Robert F. Berry** and **Designation of Matter to be Included in the Record on Appeal** in the above-referenced matter. I would appreciate your acknowledging receipt of these documents by date-stamping the extra copies enclosed and returning those to me via our courier.

By copy of this letter, I am serving counsel of record and enclose a Proof of Service to that effect. If you have any questions or if you need any additional information, please do not hesitate to contact me. With best regards, I am,

Respectfully,

WILLOUGHBY & HOEFER, P.A.


Chad N. Johnston

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SC Court of Appeals

March 2, 2018

(continued...)

The Honorable Jenny A. Kitchings

March 2, 2018

Page 2 of 2

cc: Sarah P. Spruill, Esquire
Frederick T. Smith, Esquire
Adam N. Yount, Esquire
Pierce T. MacLennan, Esquire