

**FORM 14
DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

The Honorable R. Lawton McIntosh, Circuit Court Judge

C.A. No.: 2013-CP-04-1700
Appellate Case No. 2018-000289

Mario Escalante,

Appellant,

v.

David L. Rodgers and Janice W. Rodgers,
d/b/a Whitehall Express Mart,

Respondents.

**APPELLANT'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellant proposes the following to be included in the Record on Appeal:

1. Summons and Complaint, dated July 22, 2013;
2. Answer, dated August 21, 2013;
3. Motion to Compel, dated October 8, 2013;
4. Court Order, dated February 18, 2014;
5. Complaint for Contempt, dated September 30, 2014;
6. Rule to Show Cause, dated October 9, 2014;
7. Motion to Compel, dated January 27, 2015;

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8. Motion to Stay Trial, dated March 16, 2015;
9. Court Order, filed March 18, 2015;
10. Complaint for Contempt, June 29, 2015;
11. Court Order to Show Cause, dated July 7, 2015;
12. Notice and Motion to Compel Discovery, dated March 28, 2016;
13. Order for Continuance, dated June 03, 2016;
14. Court Order, dated September 7, 2016;
15. Motion for Summary Judgment, dated October 18, 2017;
16. Motion to Stricken Answer/or in the Alternative Motion for Adverse Inference due to Spoliation, with its Exhibits, dated December 29, 2017;
17. Reply to Defendant's Motion for Summary Judgment, with Exhibits, dated January 2, 2018;
18. Order, dated January 9, 2018;
19. Transcript, Motion to Vacate Hearing, p. 8-9, dated January 5, 2018;
20. Formal Order, dated January 16, 2018;
21. Motion for Reconsideration, with its Exhibits, dated January 26, 2018;
22. Form 4, dated February 2, 2018; and,
23. Appellant's Notice of Appeal, dated February 20, 2018.

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

Anderson, South Carolina
Date: April 4, 2018


Donald L. Smith (SC Bar#6699)
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attorneydonaldsmith@gmail.com
Attorney for Appellant

**FORM 7
PROOF OF SERVICE
INITIAL BRIEF OF APPELLANT AND DESIGNATION OF MATTER
TO BE INCLUDED IN RECORD ON APPEAL**

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

The Honorable R. Lawton McIntosh, Circuit Court Judge

C.A. No.: 2013-CP-04-1700
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Mario Escalante,

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Respondents.

PROOF OF SERVICE

I certify that I have served a copy of the Initial Brief of the Appellant, Designation of Matters to be Included in the Record on Appeal, and Proof of Service for same upon The Honorable Jenny Abbott Kitchings, Clerk of Court South Carolina Court of Appeals, at PO Box 11629, Columbia SC 29211, The Honorable Richard A. Shirley, Anderson County Clerk of Court, at PO Box 8002, Anderson, SC 29622-8002, Respondents, by and through their counsels of record, Phillip Reeves, Esquire and Nicholas A. Farr, Esquire, at Gallivan White and Boyd, P.A., Post Office Box 10589, Greenville, SC 29603, by depositing a copy of it in the United States Mail, postage prepaid, on April 4, 2018.

April 4, 2018



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Attorney for Appellant

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**FORM 8
LETTER TO THE APPEALS COURT CLERK
FILING OF INITIAL BRIEF OF APPELLANT AND FORM 11**

April 4, 2018

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

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**RE: Mario Escalante v. David L. Rodgers and Janice W. Rodgers,
d/b/a Whitehall Express Mart
Appellate Case No. 2018-000289
C.A. No.: 2013-CP-04-1700**

Dear Honorable Kitchings:

Please find enclosed the following materials for filing:

- (1) Initial Brief of Appellant;
- (2) Form 11 Appellant's Designation of Matter to be Included on the Record on Appeal; and,
- (3) Proof of Service for same.

Sincerely,



Donald L. Smith, (Bar#6699)

122 N. Main Street

Anderson SC 29621

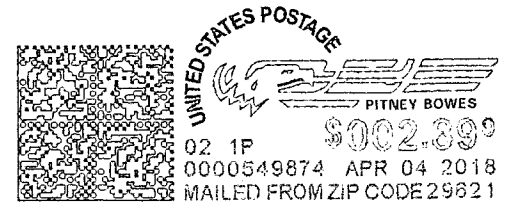
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attorneydonaldsmith@gmail.com

Attorney for Appellant

cc: Phillip Reeves, Esquire
Nicholas A. Farr, Esquire



Attorney Office of Donald Smith
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Anderson, SC 29621

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The Honorable Jenny Abbott Kitchings
Clerk of Court South Carolina Court of Appeals
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Columbia SC 29211

