

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**  
MAY 04 2018  
SC Court of Appeals

---

APPEAL FROM BERKELEY COUNTY  
In the Court of Common Pleas for the Ninth Circuit

Jean H. Toal, Circuit Court Judge

---

Appellate Case No.: 2018-000467

---

Amy S. Kovach..... Plaintiff

v.

Joshua S. Whitley and Karen Whitley, in her Individual Capacity ..... Respondents

And

Joshua S. Whitley..... Defendant/Counterclaimant.

v.

Amy Kovach..... Plaintiff/Counterclaim Defendant

And

Joshua S. Whitley..... Defendant/Third-Party Plaintiff,

v.

Rodney Thompson..... Third-Party Defendant

Of whom Amy Kovach is the ..... Appellant

---

APPELLANT AMY KOVACH'S DESIGNATION OF MATTER  
FOR INCLUSION IN THE RECORD ON APPEAL

---

Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Appellant Amy Kovach hereby designates the following materials to be included in the Record on Appeal in this matter in connection with its Appellant's Brief. Unless otherwise expressly stated, each item designated is to include all attachments or exhibits to the original of the referenced item. Amy Kovach expressly reserves the right to seek supplementation of the record pursuant to Rules 209 and 212, SCACR. Amy Kovach designates the following matters for inclusion in the Record on Appeal:

1. April 22, 2014 Letter from Attorney John Freeman to Attorney Victor Rawl;
2. October 15, 2015 Plaintiff's Complaint;
3. November 3, 2015 Joshua Whitley Answer, Counterclaims and Third Party Complaint;
4. November 3, 2015 Joshua Whitley Motion for Sanctions Against Attorney Bloodgood;
5. November 16, 2015 Karen Whitley Motion to Dismiss and for Rule 11 Sanctions against Attorney Bloodgood;
6. November 25, 2015 Letter to Attorney Bloodgood from Attorney Jeffrey A. Breit;
7. December 2, 2015 Joshua Whitley Amended Answer, Amended Counterclaims and Amended Third Party Complaint;
8. December 4, 2015 Plaintiff's Answer to Counterclaims and Answer to Motion to Dismiss;
9. December 4, 2015 Notice and Motion to Strike Stipulation of Dismissal as to Defendant Karen Whitley;
10. February 11, 2016 Bloodgood Memo in Opposition to Sanctions Motion  
Ex A: Affidavit of Margaret Fabri  
Ex B: Clegg v. Lambrecht, 2009 S.C. App. LEXI 353

Ex. C: October 13, 2015 Email from Attorney Jerry Theos' Office to Nancy Bloodgood enclosing plea hearing transcript

Ex D: Nancy Bloodgood time sheet records

11. February 12, 2016 Joshua Whitley Amended Motion for Sanctions Against Attorney Bloodgood and Plaintiff;
12. February 23, 2016 Karen Whitley Amended Motion for Sanctions Against Attorney Bloodgood and Plaintiff;
13. August 24, 2016 Bloodgood Supplemental Memo in Opposition to Motion for Sanctions

Ex 1: Stipulations of Dismissal as to Karen Whitley; Terry Hardesty; Scott Marino

Ex 2: November 25, 2015 Letter from Attorney Jeffery Breit to Attorney Nancy Bloodgood refusing dismissal without payment of attorney fees

Ex 3: Anderson County v. Preston, 2013 WL 10154806

14. September 15, 2016 Plaintiff's Response to Amended Motion for Sanctions

Ex A: December 14, 2014 Report: Federal Forensic Associates

Ex. B: August 19, 2014: Supplemental Motion to Dismiss

Ex C: May 2, 2014 Letter from Attorney Victor Rawl to Dr. Kent Murray, Berkeley County School Board

Ex D: January 20, 2015 Motion to Disqualify Attorney General

Ex E: Partial Transcript of Record: 14-GS-08-266; 15-GS-08-1073

Ex F: Partial Transcript of Record: Show Cause Hearing February 8, 2016

Ex G: Facebook Posts from Berkeley County Republicans group

15. September 16, 2016 Hearing Transcript;
16. October 24, 2016 Order Granting Motion for Sanctions;
17. November 7, 2016 Bloodgood Motion for Reconsideration;
18. January 13, 2017 Plaintiff's Motion for Reconsideration and Memo in Support

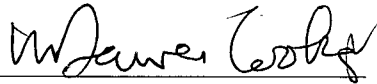
Exhibit: Affidavit of Christopher Kovach; and

19. February 19, 2018 Order Denying Motion for Reconsideration.

Appellant certifies, pursuant to S.C.A.C.R., Rule 209(c), that the designations set forth above are relevant to the appeal in this matter, and that she has not designated any matter that is irrelevant to the issues before the Court.

May 1, 2018

BARNWELL WHALEY  
PATTERSON & HELMS, LLC

By: 

M. Dawes Cooke, Jr., Esq.  
288 Meeting Street, Suite 200  
Charleston, SC 29401  
(843) 577-7700  
mdc@barnwell-whaley.com  
Attorney for Plaintiff/Appellant Amy Kovach

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY  
In the Court of Common Pleas for the Ninth Circuit

Jean H. Toal, Circuit Court Judge

Appellate Case No.: 2018-000467

**RECEIVED**  
MAY 04 2018  
SC Court of Appeals

Amy Kovach ..... Plaintiff

v.

Joshua S. Whitley and Karen Whitley, in her Individual Capacity, ..... Respondents

And

Joshua S. Whitley ..... Defendant/Counterclaimant,

v.

Amy Kovach ..... Plaintiff/Counterclaim Defendant,

And

Joshua S. Whitley ..... Defendant/Third-Party Plaintiff,

v.

Rodney Thompson ..... Third-Party Defendant,

Of Whom Amy Kovach is the ..... Appellant.

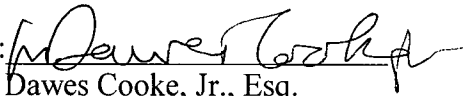
PROOF OF SERVICE

I certify that I have served the Appellant Amy Kovach's Designation of Matter for Inclusion in the Record on Appeal on the above-referenced Respondents by depositing a copy of it in the United States Mail, postage prepaid, on May 1, 2018, addressed to the following parties and their attorneys of record:

Jeffrey A. Breit, Esquire  
Breit Drescher Imprevento, P.C.  
Town Pavilion Center II  
600 22<sup>nd</sup> Street, Suite 402  
Virginia Beach, VA 23451  
Attorney for Respondent Joshua Whitley

Wm. Howell Morrison, Esquire  
Haynsworth Sinkler Boyd, P.A.  
134 Meeting Street, 3<sup>rd</sup> Floor  
Charleston, SC 29401  
Attorney for Respondent Karen Whitley

BARNWELL WHALEY  
PATTERSON & HELMS, LLC

By:   
M. Dawes Cooke, Jr., Esq.

288 Meeting Street, Suite 200  
Charleston, SC 29401  
(843) 577-7700

Attorney for Plaintiff/Appellant Amy Kovach