

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

RECEIVED

MAY 07 2018

SC Court of Appeals

Case No. 2016-CP-26-00673
Case No. 2016-CP-26-00674
Case No. 2016-CP-26-00743
Case No. 2016-CP-26-00744

Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, Errol Dos Santos, and Jeffrey Richardson, on behalf of themselves and all other similarly situated, Plaintiffs,

v.

Ocean Front Spa Horizontal Property Regime, Inc., Bill Cameron, Walter Jordan, Ralph Jump, Stanley Jordan, Ray Coghill, and John Doe past board directors of Ocean Front Spa Horizontal Property Regime, Inc., Defendants,

And

Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, Errol Dos Santos, and Jeffrey Richardson, on behalf of themselves and all other similarly situated, Plaintiffs,

v.

The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Walter Jordan, Wayne Urban, Ken Perkins, and John Doe past board directors of The Myrtle Beach Resort Homeowners Association, Inc., Defendants,

And

Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, and Errol Dos Santos, and Jeffrey Richardson, individually in their capacity as derivative shareholders, Plaintiffs,

v.

K.A. Diehl and Associates, Inc., The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Wayne Urban, Walter Jordan, Ken Perkins, and John Doe past board directors of The Myrtle Beach Resort Homeowners Association, Inc., Defendants,

And

Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, Errol Dos Santos, and Jeffrey Richardson, individually in their capacity as derivative shareholders of Ocean Front Spa Horizontal Property Regime, Inc., Plaintiffs,

v.

Ocean Front Spa Horizontal Property Regime, Inc., Walter Jordan, Ralph Jump, Ray Coghill, John Doe past board directors of Ocean Front Spa Horizontal Property Regime, Inc., The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Wayne Urban, Ken Perkins, John Doe past board directors of The Myrtle Beach Resort Homeowners Association, Inc., and K.A. Diehl and Associates, Inc. Defendants,

Of whom Mark Dos Santos is the Appellant,

And

Ocean Front Spa Horizontal Property Regime, Inc., Walter Jordan, Ralph Jump, Ray Coghill, John Doe past board directors of Ocean Front Spa Horizontal Property Regime, Inc., The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Wayne Urban, Ken Perkins, John Doe past board directors of The Myrtle Beach Resort Homeowners Association, Inc., and K.A. Diehl and Associates, Inc., are the Respondents.

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

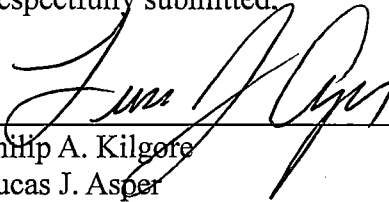
Respondents propose that the following be included in the Record on Appeal:

1. Orders Denying Plaintiffs’ Motions to Reconsider the Order and Final Judgment (all cases)
2. Order Granting Defendants’ Motion to Enforce Settlement Agreement (all cases)
3. Complaints (all cases)

4. Defendants' Consolidated Motion for Preliminary Approval of Settlement Agreement, filed July 3, 2017 (all cases)
5. Plaintiffs' Memorandum of Law in Opposition of Defendants' Consolidated Motion to Enforce Settlement/Motion for Preliminary Approval of Settlement Agreement filed July 26, 2017 (all cases)
6. Reply in Support of Defendants' Consolidated Motion for Preliminary Approval of Settlement Agreement filed August 7, 2017 (all cases)
7. Plaintiffs' Amended/Supplemental Memorandum of Law in Opposition of Defendants' Consolidated Motion to Enforce Settlement/Motion for Preliminary Approval of Settlement Agreement filed August 15, 2017 (all cases)
8. Plaintiffs' Motion to Reconsider the Order and Final Judgment filed September 29, 2017 (all cases)
9. Plaintiffs' Amended Motion to Reconsider the Order and Final Judgment filed October 2, 2017 (all cases)
10. Defendants' Consolidated Response to Plaintiff's Motions to Reconsider the Order and Final Judgment filed October 12, 2017 (all cases)
11. Transcript of Hearing on Motion to Enforce Settlement, August 22, 2017

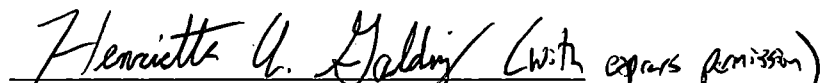
I certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,



Philip A. Kilgore
Lucas J. Asper
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
300 North Main Street, Suite 500
Greenville, South Carolina 29601
(864) 271-1300 (telephone)
(864) 235-8806 (facsimile)
philip.kilgore@ogletree.com
lucas.asper@ogletree.com

*Attorneys for Respondents The Myrtle Beach Resort
Homeowners Association, Inc., Ocean Front Spa
Horizontal Property Regime, Phil Cox, Bill Cameron,
Stanley Jordan, Walter Jordan, Wayne Urban, Ralph Jump,
Ray Coghill and Ken Perkins*



Henrietta U. Golding, Esq.
Alicia E. Thompson, Esq.
McNair Law Firm, P.A.

Post Office Box 336
Myrtle Beach, SC 29578-0336
(843) 444-1107 (telephone)
(843) 444-4729 (facsimile)

*Attorneys for Respondent FirstService Residential South
Carolina, Inc., formerly known as K.A. Diehl & Associates,
Inc.*

May 4, 2018

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

Case No. 2016-CP-26-00673
Case No. 2016-CP-26-00674
Case No. 2016-CP-26-00743
Case No. 2016-CP-26-00744

Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, Errol Dos Santos, and Jeffrey Richardson, on behalf of themselves and all other similarly situated, Plaintiffs,

v.

Ocean Front Spa Horizontal Property Regime, Inc., Bill Cameron, Walter Jordan, Ralph Jump, Stanley Jordan, Ray Coghill, and John Doe past board directors of Ocean Front Spa Horizontal Property Regime, Inc., Defendants,

And

Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, Errol Dos Santos, and Jeffrey Richardson, on behalf of themselves and all other similarly situated, Plaintiffs,

v.

The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Walter Jordan, Wayne Urban, Ken Perkins, and John Doe past board directors of The Myrtle Beach Resort Homeowners Association, Inc., Defendants,

And

Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, and Errol Dos Santos, and Jeffrey Richardson, individually in their capacity as derivative shareholders, Plaintiffs,

v.

K.A. Diehl and Associates, Inc., The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Wayne Urban, Walter Jordan, Ken Perkins, and John Doe past board directors of The Myrtle Beach Resort Homeowners Association, Inc., Defendants,

And

Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, Errol Dos Santos, and Jeffrey Richardson, individually in their capacity as derivative shareholders of Ocean Front Spa Horizontal Property Regime, Inc., Plaintiffs,

v.

Ocean Front Spa Horizontal Property Regime, Inc., Walter Jordan, Ralph Jump, Ray Coghill, John Doe past board directors of Ocean Front Spa Horizontal Property Regime, Inc., The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Wayne Urban, Ken Perkins, John Doe past board directors of The Myrtle Beach Resort Homeowners Association, Inc., and K.A. Diehl and Associates, Inc. Defendants,

Of whom Mark Dos Santos is the Appellant,

And

Ocean Front Spa Horizontal Property Regime, Inc., Walter Jordan, Ralph Jump, Ray Coghill, John Doe past board directors of Ocean Front Spa Horizontal Property Regime, Inc., The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Wayne Urban, Ken Perkins, John Doe past board directors of The Myrtle Beach Resort Homeowners Association, Inc., and K.A. Diehl and Associates, Inc., are the Respondents.

PROOF OF SERVICE

I certify that I have served Respondents' Designation of Matter to be Included in the Record on Appeal on Appellant Mark Dos Santos by sending to his attorneys of record a copy of the same via electronic mail and first class mail, properly addressed, postage prepaid at the following addresses: Kirby D. Shealy III, Adams and Reese LLP, 1501 Main Street, 5th Floor, Columbia, South Carolina 29201; *Kirby.Shealy@arlaw.com*.

May 4, 2018



Ogletree Deakins

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

Attorneys at Law

The Ogletree Building
300 North Main Street, Suite 500
Greenville, SC 29601
Telephone: 864.271.1300
Facsimile: 864.235.8806
www.ogletreedeakins.com

Lucas J. Asper
lucas.asper@ogletree.com

May 4, 2018

The Hon. Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

RE: **Jim Perkins v. Ocean Front Spa**
Appellate Case No. 2018-000041

RECEIVED
MAY 07 2018
SC Court of Appeals

Dear Ms. Kitchings:

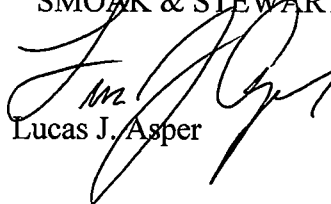
Please find enclosed for filing the original and one copy of (1) the Initial Brief of Respondents, and (2) Respondents' Designation of Matter to be Included in the Record on Appeal in the above-referenced matter. Please file the original and return the clocked-in copy to us in the self-addressed, stamped envelope enclosed.

A copy of these filings are being served on Appellant Mark Dos Santos' counsel Kirby D. Shealy and K.A. Diehl's counsel Henrietta U. Golding.

If you have any questions or concerns, please do not hesitate to contact our office. Thank you for your assistance with this matter.

Sincerely,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.



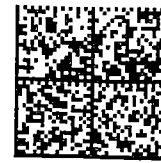
Lucas J. Asper

LJA:lah

Enclosures

cc: Kirby D. Shealy, III, Esq., via email and regular mail
Henrietta U. Golding, Esq., via email and regular mail

24760519.1



U.S. POSTAGE >>> PITNEY BOWES



ZIP 29601 \$ 006.70⁰
02 4W
0000350651 MAY. 04. 2018

**Ogletree
Deakins**

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

The Ogletree Building
300 North Main Street
Suite 500
Greenville, SC 29601

The Hon. Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

RECEIVED

MAY 07 2018

SC Court of Appeals

