

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

Appellate Case No. 2017-002481

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MAY 23 2018

SC Court of Appeals

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

J.C. Nicholson, Circuit Court Judge

AEP2, LLC f/k/a 2AM Group, LLC.....Respondent

v.

BMW of North America, LLC.....Appellant

**RESPONDENT'S COUNTER-DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

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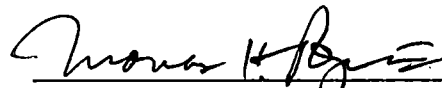
Attorneys for Respondent

In accordance with the SCACR, Rule 209, Respondent AEP2, LLC hereby proposes the following materials to be included in the Record on Appeal in this matter.

1. 2/8/17 Summons and Complaint
2. 2/10/17 Affidavit of Service and Process Server
3. 3/23/17 Affidavit of Default and Application for Entry of Default
4. 3/23/17 Order of Entry of Default
5. 3/28/17 Notice of Entry of Judgment/Order Pursuant to Rule 77 SCRCPP
6. 3/28/17 Plaintiff's Motion to Remand to State Court with Memo in Support and Exhibits
7. 4/20/17 Plaintiff's Motion for Damage Hearing (without attachments)
8. 4/25/17 Defendant's Motion to Set Aside Entry of Default with Exhibit 3 (proposed Answer)
9. 4/25/17 Affidavit of Ashley Abel
10. 4/25/17 Affidavit of Richard Spitaleri
11. 5/4/17 Defendant's Response to Plaintiff's Motion for Damage Hearing with Affidavit of Ashley Abel
12. 6/8/17 Plaintiff's Memorandum in Opposition to BMW's Motion to Set Aside Default and Memorandum in Support of Plaintiff's Motion for Damages Hearing with Exhibits (Exhibits 1, 2, 3, and 4)
13. 6/12/17 Defendant's Memorandum in Opposition to Plaintiff's Motion for Damages Hearing and Reply Memorandum in Support of Defendant's Motion to Set Aside Default Judgement
14. 6/12/17 Affidavit of Ashley Abel
15. 6/12/17 Affidavit of Richard Spitaleri (with exhibits)
16. 6/12/17 Transcript of Hearing before The Honorable J.C. Nicholson, Jr.
17. 7/21/17 Order Denying Motion to Set Aside Entry of Default by Judge Nicholson

18. 8/8/17 Notice of Appearance of Dawes Cook for BMW
19. 8/8/17 Defendant's BMW Notice of Motion and Motion to Alter or Amend Judgment or for Relief from Judgment Pursuant to Rules 59e and 60b1 SCRP
20. 10/9/17 Order of Judge Nicholson Denying BMW's Motion to Reconsider
21. 10/9/17 Third Affidavit of Richard Spitaleri
22. 10/9/17 Supplemental Affidavit of Bruce Wallace (Exhibit B to Plaintiff's Memo) with all exhibits (A and B)
23. 10/12/17 Transcript of Hearing Before The Honorable John C. Hayes III
24. 11/27/17 Order for Default Judgment of Judge John Hayes

CERTIFICATION: By signing below, counsel for the Appellant certifies that all matters set forth herein are relevant to this appeal.



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Attorneys for Respondent

May 23, 2018

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APPEAL FROM CHARLESTON COUNTY
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Appellate Case No. 2017-002481

BMW of North America, LLC.....Appellant,

versus

AEP2, LLC f/k/a 2AM Group, LLC.....Respondent.

PROOF OF SERVICE


I certify that I have served one copy of the Initial Brief of Respondent and one copy of Respondent's Counterdesignation of Matters to be Included in the Record, by depositing a copy of same in the United States Mail, postage prepaid, on May 23, 2018, addressed to its attorneys of record:

M. Dawes Cooke, Jr., Esquire
Anna L. Strandberg, Esquire
288 Meeting Street, Ste. 200
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Ashley B. Abel, Esquire
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BY:



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SC Court of Appeals

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

Re: AEP2, LLC f/k/a 2AM Group, LLC v. BMW of North America, LLC
Appellate Case No. 2017-002481

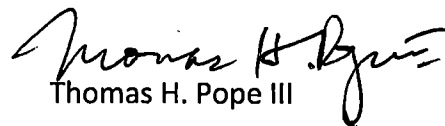
Dear Ms. Kitchings:

For filing I enclose herein the original Initial Brief of Respondent in the above matter and Respondent's Counterdesignation of Matters to be Included in the Record on Appeal, along with my proof of service of same on counsel for Appellant.

With kind regards.

Sincerely,

POPE PARKER JENKINS, P.A.


Thomas H. Pope III

THP III/LG
Enclosure

cc: M. Dawes Cooke, Jr., Esquire, w/encls. (via U.S. Mail)
Anna L. Strandberg, Esquire, w/encls. (via U.S. Mail)
Ashley B. Abel, Esquire, w/encls. (via U.S. Mail)
John P. Freeman, Esquire, w/encls. (via U.S. Mail)