

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM SUMTER COUNTY  
Court of Common Pleas  
R. Ferrell Cothran, Circuit Court Judge

---

Appellate Case No. 2017-000998  
Civil Action No. 2015-CP-43-596

---

**RECEIVED**  
MAY 29 2018  
SC Court of Appeals

Paul Branco and Branco Investments,  
Inc., d/b/a Great American Cookie Co.,.....Respondents,

v.

Hull Storey Retail Group, LLC, and  
Sumter Mall, LLC .....Appellants.

---

**APPELLANTS' DESIGNATION OF MATTER FOR THE RECORD ON APPEAL**

---

Pursuant to Rule 209, SCACR, Appellant designates the following matter for inclusion in the record on appeal. These designations are in addition to the matters designated by opposing counsel in Respondent's Designation of Matter, which are incorporated as if set forth herein. Undersigned counsel certifies pursuant to Rule 209(c), SCACR, that the designation contains no matter irrelevant to the appeal.

**Orders**

1. Amended Order of Judgment (March 2, 2018).
2. Order of Judgment (March 23, 2017).
3. Order Denying Motion for Judgment on the Pleadings (December 15, 2016).

**Pleadings**

4. Complaint (March 5, 2015).

5. Answer and Counterclaims of Defendant Sumter Mall, LLC (April 14, 2015).
6. Answer of Defendant Hull Storey Retail Group, LLC (April 14, 2015).

**Motions and Memoranda**

7. Defendants' Motion for Judgment on the Pleadings (September 27, 2016).
8. Defendants' Motion to Amend the Judgment (March 21, 2017).

**Transcripts**

9. Motion hearing transcript (November 28, 2016).
10. Bench trial transcript (February 28, 2017).
11. Post-trial motion hearing transcript (February 9, 2018).

**Exhibits and other documents**

12. Plaintiff's Ex. 1: Lease Agreement between Paul and Anne Branco and Sumter Mall, LLC (December 30, 2002).
13. Plaintiff's Ex. 2: emails and attachments sent between Paul Branco and Lewis White, and between Paul Branco, Steward Applebaum, and Darryl Light.
14. Plaintiff's Ex. 3: emails between Paul Branco and Lewis White (dated January 24, 2013 through February 6, 2013).
15. Plaintiff's Ex. 4: Proposal for Purchase executed by Brooktenn, LLC and Branco Investments, LLC (March 1, 2013).
16. Plaintiff's Ex. 5: text messages between Paul Branco and Lewis White (dated October 26, 2012 through May 2, 2013).
17. Plaintiff's Ex. 6: emails between Ashley Dolce, Lewis White, and Paul Branco (dated March 20, 2013).
18. Plaintiff's Ex. 7: email from Lewis White to Paul Branco (March 25, 2013).
19. Plaintiff's Ex. 8: email from Lewis White to Paul Branco and John Hudson (April 30, 2013).
20. Plaintiff's Ex. 9: letter from Ashley Dolce to Paul and Anne Branco extending lease term by 15 days (April 26, 2013).
21. Plaintiff's Ex. 10: letter from Ashley Dolce to Paul and Ann Branco regarding planned end-of-lease inspection of Unit 55 (April 17, 2013).

22. Plaintiff's Ex. 11: handwritten, signed checklist of needed repairs discovered as part of end-of-lease inspection of Unit 55.
23. Plaintiff's Ex. 12: emails between Lewis White, Paul Branco, and Stewart Applebaum regarding proposed Assignment, Assumption, Amendment and Ratification of the Lease Agreement (dated April 30, 2013 through May 3, 2013).
24. Defendant's Ex. 1: emails and attachments between Paul Branco, Valerie Applebaum, and Darryl Light regarding the Proposal for Purchase between Brooktenn, LLC and Branco Investments, Inc. (dated February 8, 2013 through February 28, 2013).
25. Defendant's Ex. 2: email from Lewis White to Paul Branco (dated October 15, 2012 and re-sent on October 26, 2012).
26. Circuit Court docket entry showing entry of judgment.

**NELSON MULLINS RILEY & SCARBOROUGH, LLP**

By: \_\_\_\_\_

Timothy E. Madden

SC Bar No. 11786

E-Mail: [tim.madden@nelsonmullins.com](mailto:tim.madden@nelsonmullins.com)

Miles E. Coleman

SC Bar No. 78264

E-Mail: [miles.coleman@nelsonmullins.com](mailto:miles.coleman@nelsonmullins.com)

104 South Main Street / Ninth Floor

Post Office Box 10084 (29603-0084)

Greenville, SC 29601

(864) 250-2300

*Attorneys for Appellants Hull Storey Retail Group,  
LLC, and Sumter Mall, LLC*

May 29, 2018

Greenville, South Carolina

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SUMTER COUNTY  
Court of Common Pleas  
R. Ferrell Cothran, Circuit Court Judge

Case No. 2015-CP-43-596

**RECEIVED**  
MAY 29 2018  
SC Court of Appeals

Paul Branco and Branco Investments,  
Inc., d/b/a Great American Cookie Co.,..... Respondents,

v.

Hull Storey Retail Group, LLC, and  
Sumter Mall, LLC ..... Appellants,

**PROOF OF SERVICE**

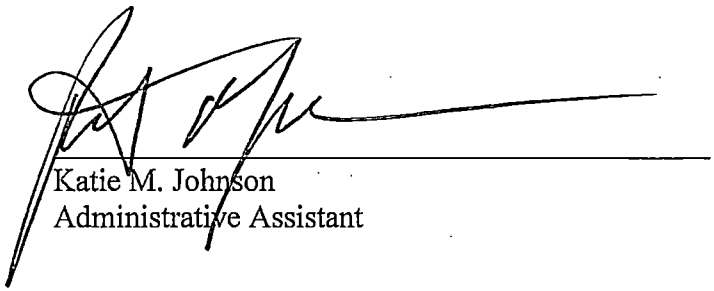
I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Hull Storey Retail Group, LLC, and Sumter Mall, LLC, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address:

Pleadings: Initial Brief of Appellants  
Appellants' Designation of Matter for the Record on Appeal

Counsel Served: Patrick M. Killen  
McGowan, Hood & Felder, LLC  
28 N. Main Street  
Sumter, SC 29150

John S. Simmons  
Simmons Law Firm, LLC  
1711 Pickens Street  
Columbia, SC 29201

Derek Shoemake  
Simmons Law Firm, LLC  
1711 Pickens Street  
Columbia, SC 29201



---

Katie M. Johnson  
Administrative Assistant

May 29, 2018



NELSON MULLINS

NELSON MULLINS RILEY & SCARBOROUGH LLP  
ATTORNEYS AND COUNSELORS AT LAW

Miles E. Coleman  
T 864.373.2352 F 864.373.2925  
miles.coleman@nelsonmullins.com

104 South Main Street | Ninth Floor  
Greenville, SC 29601  
T 864.250.2300 F 864.232.2925  
nelsonmullins.com

May 29, 2018

**HAND DELIVERED**

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

**RECEIVED**

MAY 29 2018

RE: Branco *et al.* v. Hull Storey Retail Group, LLC *et al.* **SC Court of Appeals**  
Appellate Case No. 20017-000998  
Civil Action No. 2015-CP-43-596  
Our File No. 53746/01500

Dear Ms. Kitchings:

In connection with the above captioned matter, enclosed please find an original and one copy of the Initial Brief of Appellants, the Appellant's Designation of Matter For the Record on Appeal, and a Proof of Service. We ask that you file the original and return a clocked-in copy to us via our courier.

By copy of this letter I am serving a copy of Appellant's Initial Brief and Designation of Matter on opposing counsel.

Very truly yours,

Miles E. Coleman

MEC:kmj  
Enclosures

cc: Patrick M. Killen, w/enclosures  
Derek Shoemake, w/enclosures  
John S. Simmons, w/enclosures