

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM ANDERSON COUNTY  
Court of Common Pleas

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R. Lawton McIntosh, Circuit Court Judge

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Case No. 2018-000289

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**RECEIVED**

MAY 07 2018

SC Court of Appeals

Mario Escalante,..... Appellant,

v.

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

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

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In addition to those items designated by Appellant, the Respondents, David L. Rodgers and Janice W. Rodgers d/b/a Whitehall Express Mart, designate the following material also be included in the Record on Appeal:

1. Respondents' Motion for Summary Judgment, filed October 18, 2017, with exhibits;
  - a. Exhibit A – Complaint in State Action, filed July 22, 2013;
  - b. Exhibit B – Complaint in Federal Action, filed January 13, 2015;
  - c. Exhibit C – Order Granting Summary Judgment in Federal Action, dated August 16, 2016;
  - d. Exhibit D – Opinion of United States Fourth Circuit Court of Appeals, dated October 12, 2017.

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

May 3, 2018



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Phillip E. Reeves (S.C. Bar No. 4672)  
Nicholas A. Farr (S.C. Bar No. 78769)  
GALLIVAN, WHITE & BOYD, P.A.  
P.O. Box 10589  
Greenville, South Carolina 29601  
(864) 271-9580

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

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PROOF OF SERVICE

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I certify that I served copies of Respondents' Initial Brief and the Designation of Matter to be Included in the Record on Appeal by United States Mail, postage prepaid, addressed to:

Mr. Donald L. Smith  
Donald Smith Law Firm  
122 North Main Street  
Anderson, South Carolina 29621

*Signature on following page*



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Phillip E. Reeves (S.C. Bar No. 4672)  
Nicholas A. Farr (S.C. Bar No. 78769)  
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Attorneys for Respondents, David L.

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

Rodgers

Greenville, South Carolina

May 3, 2018

May 3, 2018

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SC Court of Appeals

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

Re: Mario Escalante v. David L. Rodgers and Janice W. Rodgers d/b/a Whitehall Express  
Mart  
Appellate Case No.: 2018-00289

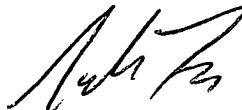
Dear Ms. Kitchings:

Enclosed for filing please find the originals and three copies each of Respondents David L. Rodgers and Janice W. Rodgers d/b/a Whitehall Express Mart's Initial Brief, Designation of Matter to be Included in the Record on Appeal, and a Proof of Service in the above-referenced matter. We would be very appreciative if you would file the originals and return the clocked copies to us in the enclosed stamped envelope.

Thank you for your assistance in this matter. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely yours,

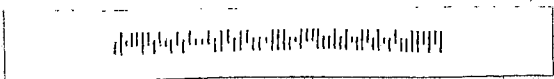
GALLIVAN, WHITE & BOYD, P.A.



Nicholas A. Farr

NAF/mbm  
Enclosures

cc: Mr. Donald L. Smith



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**GWB**  
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Clerk, South Carolina Court of Appeals  
P O Box 11629  
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