

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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

Jean H. Toal, Circuit Court Judge

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Appellate Case No.: 2018-000467

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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.

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SC Court of Appeals

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RESPONDENTS' DESIGNATION OF MATTER FOR INCLUSION  
IN THE RECORD OF APPEAL

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Attorney for Respondent Karen Whitley

**RESPONDENTS JOSHUA S. WHITLEY AND KAREN WHITLEY'S  
DESIGNATION OF MATTER FOR INCLUSION IN THE RECORD ON APPEAL**

Respondents, Joshua S. Whitley and Karen Whitley, by counsel, and pursuant to Rule 209 of the South Carolina Appellate Court Rules, hereby designate the following materials to be included in the Record on Appeal in the captioned matter. Unless otherwise stated, the items designated are to include all attachments or exhibits to the original of the referenced items. Respondents expressly reserve the right to seek supplementation of the record pursuant to Rules 209 and 212, SCACR.

Respondents designate the following items in addition to those designated by Appellant:

1. Amy Kovach's Affidavit dated August 4, 2015;
2. Letter from Deputy Assistant Attorney General Creighton Waters to the Berkeley County School Board dated August 31, 2015;
3. The transcript from Amy Kovach's guilty plea and sentencing hearing on August 28, 2015;
4. The denial of Amy Kovach's employment grievance appeal dated September 16, 2015;
5. The Attorney General's Rule to Show Cause and Petition in Support dated November 9, 2015;
6. The Rule to Show Cause signed by Judge Young on November 20, 2015;
7. The transcript of the Show Cause hearing on February 8, 2016;
8. The transcript of the Motion for Reconsideration hearing on January 17, 2017;
9. Letter from Joshua S. Whitley to Nancy Bloodgood dated February 8, 2016;

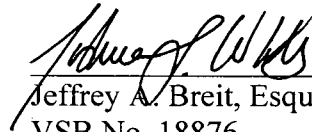
10. Amended Motion for Sanctions filed on August 25, 2016;
11. Joshua S. Whitley's Petition for Fees dated November 3, 2016;
12. Jeffrey A. Breit's letter to Chief Justice Toal regarding attorneys' fees dated January 11, 2017;
13. Affidavit of Howell Morrison, filed November 2, 2016; and
14. Supplemental Affidavit of Howell Morrison, filed on January 13, 2017.

Respondents certify, 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 they have not designated any matter that is irrelevant to the issues before the Court.

May 31, 2018  
Charleston, South Carolina

Respectfully submitted,

**BREIT DRESCHER IMPREVENTO, P.C.**



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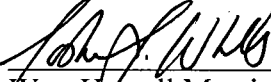
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*Counsel for Respondent Joshua S. Whitley*

*Pro Hac Vice*

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*Counsel for Respondent Karen Whitley*

*For and w/  
Consent:*

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Of whom Amy Kovach is the Appellant.

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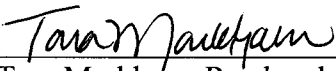
PROOF OF SERVICE

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I certify that I have served Respondents' Designation of Matter for Inclusion on the Record of Appeal on the above-referenced Appellant by depositing a copy of it in the United States Mail, postage prepaid, on May 31, 2018, addressed to the following parties and their attorneys of record:

M. Dawes Cooke, Jr., Esquire  
Christopher Mark Kovach, Esquire  
Barnwell Whaley Patterson & Helms, LLC  
288 Meeting Street, Suite 200  
Charleston, South Carolina 29401

*Attorneys for Plaintiff/Appellant Amy Kovach*

  
\_\_\_\_\_  
Tara Markham, Paralegal



SMYTH WHITLEY, LLC  
ATTORNEYS AT LAW

May 31, 2018

**VIA UNITED STATES MAIL**

Honorable Jenny Kitchings  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

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JUN 04 2018

SC Court of Appeals

Re: Amy Kovach v. Joshua S. Whitley, *et al.*  
Appellate Case No.: 2018-000467

Dear Ms. Kitchings:

Enclosed for filing please find an original and one (1) copy of the following:

1. Respondents' Joint Brief;
2. Respondents' Designation of Matter for Inclusion in the Record on Appeal; and
3. Proof of Service.

Please file the originals and return the clocked copies in the enclosed self-addressed envelope. By copy of this correspondence to Appellant's counsel, I am serving them with the same.

With warm personal regards, I remain,

Very truly yours,

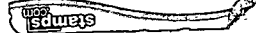
Joshua S. Whitley  
JSW:tmm  
Enclosures

cc: M. Dawes Cooke, Jr., Esquire  
Christopher Kovach, Esquire

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Honorable Jenny Kitchings  
South Carolina Court of Appeals  
P.O. Box 11629  
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