

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

R. Ferrell Cothran, Jr., Circuit Court Judge

Case No. 13-CP-40-0319

RECEIVED
MAY 30 2018
SC Court of Appeals

Daniel O'Shields And Roger W. Whitley
A Partnership d/b/a O&W Cars Appellants,

v.

Columbia Automotive Company, LLC
d/b/a Midlands Honda Respondent

**DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL OF RESPONDENT COLUMBIA
AUTOMOTIVE COMPANY, LLC D/B/A MIDLANDS HONDA**

In addition to those materials previously designated by the Appellants, Respondent Columbia Automotive Company, LLC d/b/a Midlands Honda proposes the following matter to be included in the Record on Appeal:

Orders:

1. Form 4 Order dated 10/1/2015 withdrawing claim for constructive fraud.
2. Order from Court of Appeals granting Motion to Toll

Pleadings:

3. Amended Complaint
4. Dismissal with Prejudice as to all Claims Against Nationwide Insurance Company
5. Second Amended Complaint

6. Amended Answer to Second Amended Complaint
7. Appellant's Original Election of Remedies
8. Notices of Appeal
9. Motion to Toll

Transcripts:

10. Trial Transcript 1-6, 15-20, 58-75, 76-79, 90-91, 120-90, 193, 212, 246, 252, 263-67, 277, 290-91, 299, 332-33, 335, 360, 366, 375-78, 408, 463, 473, 487, 517-45, 560-67, 706-14
11. Post-trial Motions Transcript 1-111
12. Guyer Dep. at 9, 12-17, 29, 87-88
13. Ecklund Dep. at 18-19, 23-26, 36, 42.

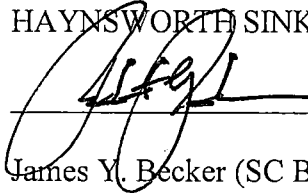
Other:

14. Email from Court dated 8/29/2016 re: election
15. Email from Moskos to Court dates 8/29/2016 re: Midlands Honda-award
16. Letter from Walker to Court dated 9/1/2016 re: Moskos Affidavit

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

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.



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Attorneys for Respondent

Dated: May 30, 2018

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PROOF OF SERVICE

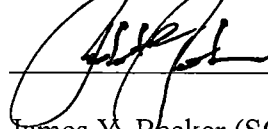
I certify that I have served the *Initial Brief of Respondent* Columbia Automotive Company, LLC d/b/a Midlands Honda, and *Designation of Matter to be Included in the Record on Appeal* upon Appellants by depositing copies of the same in the United States Mail, First Class postage prepaid, on this the 30th day of May, 2018, addressed to Appellant's attorneys of record, addressed as follows:

C. Steven Moskos	Brooks R. Fudenberg
C. Steven Moskos, P.A.	Law Office of Brooks R. Fudenberg LLC
4000 Faber Place Drive	171 Church Street
Suite 300	Suite 170
North Charleston, SC 29405	Charleston, SC 29401

(Signature Page Follows)

Respectfully submitted,

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May 30, 2018

VIA HAND DELIVERY

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

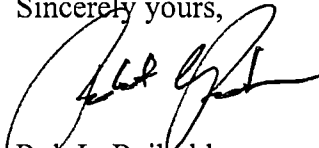
RE: *Daniel O'Shields And Roger W. Whitley, A Partnership d/b/a O&W Cars v.
Columbia Automotive Company, LLC d/b/a Midlands Honda*
Case No. 2013-CP-40-03019
Appellate Case No. 2017-000902

Dear Ms. Kitchings:

Enclosed herewith for filing is an original and one (1) copy of the *Initial Brief of Respondent* Columbia Automotive Company, LLC d/b/a Midlands Honda, and *Designation of Matter to be Included in the Record on Appeal* regarding the above-referenced case together with a Proof of Service. Please file the originals and return a clocked copy to me via our courier.

If you have any questions, please give me a call. Thank you for your assistance in this matter

Sincerely yours,



Rob L. Reibold

RLR/jmb
Enclosures

cc: H. Clayton Walker, Jr. (via email only)
Robert L. Reibold (via email only)
C. Steven Moskos (via U.S. Mail)
Brooks R. Fudenberg (via U.S. Mail)

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