

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

The Honorable Jean H. Toal
Acting Circuit Court Judge

Appellate Case No. 2019-000164
Circuit Court Case No. 2015-CP-46-3456

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SC Court of Appeals

Timothy W. Howe, Individually and as Personal Representative of
the Estate of Wayne Erwin Howe, Deceased, and Jeannette Howe Respondents,

v.

Air & Liquid Systems Corp., Individually and as Successor-in-
Interest to Buffalo Pumps, Inc; *et al.* Defendants,

of whom

Cleaver-Brooks, Inc. is the Appellant.

APPELLANT'S DESIGNATION OF MATTER

Appellant designates the following to be included in the Record on Appeal:

Orders

1. Sanctions Order
2. Order Denying Cleaver-Brooks's Motion to Alter or Amend Order

Pleadings

3. Complaint
4. Cleaver-Brooks's Answer to the Complaint
5. First Amended Complaint
6. Cleaver-Brooks's Answer to the First Amended Complaint

Transcripts

7. Deposition of Wayne Howe (Feb. 3, 2016) (attached as Exhibit 2 to Plaintiffs' Motion for Sanctions with Statements of Fees and Costs)
8. Deposition of John Tornetta (Feb. 2, 2018) (attached as Exhibit 8 to Plaintiffs' Motion for Sanctions with Statements of Fees and Costs)
9. Deposition of John Tornetta (Mar. 6, 2018) (attached as Exhibit 9 to Plaintiffs' Motion for Sanctions with Statements of Fees and Costs)
10. January 24, 2018 Hearing (attached as Exhibit 6 to Plaintiffs' Motion for Sanctions with Statements of Fees and Costs)
11. March 9, 2018 Hearing (attached as Exhibit 11 to Plaintiffs' Motion for Sanctions with Statements of Fees and Costs)
12. October 10, 2018 Hearing
13. Trial Transcript: pages 42–137, 478–513, 615–863, 1015–1079, 1126

Trial Exhibits

14. Plaintiffs Trial Exhibit 45
15. Plaintiffs Trial Exhibit 55
16. Cleaver-Brooks Trial Exhibit 11
17. Cleaver-Brooks Trial Exhibit 12
18. Cleaver-Brooks Trial Exhibit 13
19. Cleaver-Brooks Trial Exhibit 19
20. Cleaver-Brooks Trial Exhibit 20
21. Cleaver-Brooks Trial Exhibit 21
22. Cleaver-Brooks Trial Exhibit 23
23. Cleaver-Brooks Trial Exhibit 24
24. Cleaver-Brooks Trial Exhibit 25
25. Cleaver-Brooks Trial Exhibit 26

26. Cleaver-Brooks Trial Exhibit 27
27. Cleaver-Brooks Trial Exhibit 28
28. Cleaver-Brooks Trial Exhibit 29
29. Cleaver-Brooks Trial Exhibit 30

Motions

30. Cleaver-Brooks's Motion for Protective Order
31. Cleaver-Brooks's Motion for Summary Judgment
32. Plaintiffs' Response in Opposition to Cleaver-Brooks's Motion for Summary Judgment
33. Plaintiffs' Supplemental Response in Opposition to Cleaver-Brooks's Motion for Summary Judgment
34. Plaintiffs' Motion for Sanctions
35. Plaintiffs' Motion for Sanctions with Statements of Fees and Costs
36. Cleaver-Brooks's Opposition to Plaintiffs' Motion for Sanctions
37. Plaintiffs' Notice of Filing Affidavits in Support of Motion for Sanctions
38. Plaintiffs' Reply in Support of Sanctions
39. Letter Objecting to Plaintiffs' Proposed Order
40. Cleaver-Brooks's Motion to Alter or Amend

Other Materials

41. Plaintiffs' Answers to Master Interrogatories and Requests for Disclosures
42. Affidavits from Dean (two), Holder, McVey, Howe, and Myers
43. Notice of Appeal

The below-signed certify that this Designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,

WOMBLE BOND DICKINSON (US) LLP

By: 

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Attorneys for Cleaver-Brooks, Inc.

March 1, 2019

PROOF OF SERVICE

I, the undersigned Legal Secretary of the law offices of Womble Bond Dickinson (US) LLP, Attorneys for Appellant, do hereby certify that I have served the below parties in this action with a copy of the pleading(s) specified below by mailing a copy of the same, postage prepaid, to the following address(es):

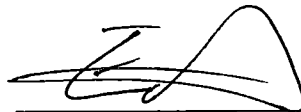
Pleading: Appellant's Designation of Matter

Parties Served:

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Theile B. McVey
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Attorneys for Respondents



Edwin T. Mathis

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

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SC Court of Appeals

Re: *Howe et al. v. Air & Liquid Systems Corp. et al.*
Circuit Court Case No. 2015-CP-46-3456

Dear Ms. Kitchings:

Enclosed for filing please find Appellant Cleaver-Brooks, Inc.'s Initial Brief and Designation of Matter. Please file the original and return a clocked copy to us via our courier.

By copy of this letter, we are serving this Notice on all Respondents.

With kind regards, I remain

Very truly yours,

A handwritten signature in black ink, appearing to read "M. Todd Carroll".

M. Todd Carroll

Enclosures

cc: Respondents' Counsel (via United States mail)