

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

Appellate Case No. 2017-000902

RECEIVED

MAR 25 2019

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.

Motion to Amend Designation of Matter to be Included in the Record on Appeal

Pursuant to Rules 209 and 240, SCACR, Appellants respectfully move for permission to amend their initial designation of matter to be included in the record on appeal. Opposing counsel have consented to the proposed amendments.

A. Appellants propose to add:

- Stipulation of Dismissal as to Defendant Nationwide, 04-21-15
- Defendant's Proposed Order on Post-Trial Motions with transmittal email, 10-17-16
- Letter from Respondent to the lower Court, 12-30-16
- Email from Plaintiff to the lower Court, 01-03-17
- Email from the Judge's law clerk, Mr. Furse, to the parties, 02-27-17

B. Appellants propose to omit:

- Form 4 Order, 05-16-13
- (Unamended) Answer to 2d Amended Complaint, 04-15-16

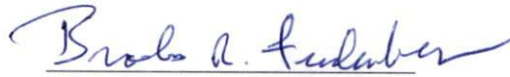
- The following emails and cover letters, while retaining the substantive documents to which they apply:
  - All transmittal emails and cover letters accompanying any party's filings of 05-02-16
  - Any email or cover letter accompanying Defendant's Response to Plaintiffs' Election of Remedy, signed 05-27-16
  - All emails and cover letters accompanying Plaintiffs' filings of 07-20 and 07-21-16
  - All emails and cover letters accompanying Defendant's filings of 07-22-16
  - Transmittal emails (2) and cover letter (1) accompanying Affidavit of C. S. Moskos, 08-30-16
  - Transmittal email accompanying Defendant's letter to Judge Cothran of 09-01-16
  - Transmittal email accompanying Plaintiffs' election of remedy, 09-08-16
  - Cover letters(2) accompanying Plaintiffs' Rule 59 Motion and related filings of 12-20-16
  - Transmittal email accompanying Defendant's letter to Judge Cothran of 02-06-17
  - Transmittal email accompanying Plaintiffs' Reply in Support of Plaintiffs' Rule 59 Motion, 02-07-17
  - Transmittal email accompanying Defendant's letter to Judge Cothran of 02-22-17
  - Transmittal email accompanying Defendant's letter to Judge Cothran of 07-25-17
  - Email from the Judge's law clerk, Mr. Furse, to the parties, 10:50 a.m. 08-08-17

Appellants request that deadlines be tolled until the Court has an opportunity to rule on this motion.

*[Signature block follows]*

Respectfully submitted,

March 21, 2019



Brooks R. Fudenberg  
Law Offices of Brooks R. Fudenberg, LLC  
171 Church Street, Suite 160  
Charleston, SC 29401  
Tel. (843) 416-2558  
eFax: (910) 401-1242  
BRF@Fudenberglaw.com  
Attorney for Appellants

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

Appellate Case No. 2017-000902

RECEIVED  
MAR 25 2019  
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.

PROOF OF SERVICE

I certify that I have served Appellants' Motion to Amend the Designation of Matter to Be Included in the Record on Appeal on Columbia Automotive Company, LLC d/b/a Midlands Honda by depositing a copy of it in the United States Mail, postage prepaid, on today's date, addressed to its attorney of record Harry Clayton Walker Jr., Esq., Haynsworth Sinkler Boyd, PA, PO Box 11889, Columbia, SC 29211-1889.

3/21/2019



Brooks R. Fudenberg  
Law Office of Brooks R.  
Fudenberg LLC  
171 Church Street, Suite 160  
Charleston SC 29401  
843-416-2558

**LAW OFFICE OF BROOKS R. FUDENBERG, LLC**

171 Church Street, Suite 160  
Charleston, South Carolina 29401  
BRF@Fudenberglaw.com  
Tel. 843-416-2558  
eFax: 1-910-401-1242

RECEIVED

MAR 25 2019

SC Court of Appeals

March 21, 2019

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 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  
Appellate Case No. 2017-000902

Dear Ms. Kitchings:

Please find enclosed:

\* an original and seven (7) copies of a Motion to Amend Designation of Matter to be  
Included in the Record on Appeal

\* an original proof of service regarding the same,

\* a check in the amount of \$50.00 as the filing fee, and

\* a self-addressed, stamped envelope.

I would ask that you return a stamped copy of the motion in the enclosed envelope.

Sincerely,



Brooks R. Fudenberg  
Law Office of Brooks R. Fudenberg LLC  
Attorney for Appellants

cc: Harry Clayton Walker Jr., Esq.  
Sarah P. Spruill, Esq.

Robert Reibold, Esq.  
C. Steven Moskos, Esq

James Y. Becker, Esq.

Law office of Brad A. Fudenberg, LLC  
171 Church St, #160  
Charleston SC 29401



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

RECEIVED

MAR 25 2019

SC Court of Appeals