

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

R. Ferrell Cothran, Jr., Circuit Court Judge

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Case No. 13-CP-40-0319

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**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

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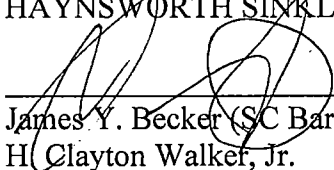
**RESPONDENT'S MOTION FOR LEAVE TO FILE AMENDED DESIGNATION OF  
MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

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With the consent of opposing counsel, the Respondent hereby moves for leave to file the attached amended designation of matter to be included in the record on appeal. The amended designation removes two items from this Court's file (a motion to toll and the order on the motion to toll). No other changes have been made.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.



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*Attorneys for Respondent*

Dated: March 22, 2019

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**AMENDED 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.

**Pleadings:**

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

6. Appellant's Original Election of Remedies
7. Notices of Appeal

**Transcripts:**

8. 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
9. Post-trial Motions Transcript 1-111
10. Guyer Dep. at 9, 12-17, 29, 87-88
11. Ecklund Dep. at 18-19, 23-26, 36, 42.

**Other:**

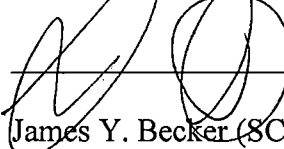
12. Email from Court dated 8/29/2016 re: election
13. Email from Moskos to Court dates 8/29/2016 re: Midlands Honda-award
14. Letter from Walker to Court dated 9/1/2016 re: Moskos Affidavit

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

*(Signature Page Follows)*

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

A handwritten signature in black ink, appearing to be "J. Becker", written over a horizontal line.

James Y. Becker (SC Bar No. 64991)  
H. Clayton Walker, Jr. (SC Bar No. 5779)  
Robert Reibold (SC Bar No. 9284)

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*Attorneys for Respondent*

Dated: March 22, 2019

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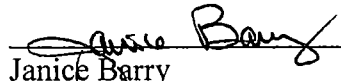
Columbia Automotive Company, LLC  
d/b/a Midlands Honda ..... Respondent

PROOF OF SERVICE

I certify that I have served the *Respondent Columbia Automotive Company, LLC d/b/a Midlands Honda's Motion to Amend the Designation of Matter on Appeal* upon Appellants by depositing copies of the same in the United States Mail, First Class postage prepaid, on this the 22nd day of March 2019, addressed to Appellant's attorneys of record, 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)*

A handwritten signature in cursive script, reading "Janice Barry", is written over a horizontal line.

Janice Barry  
Haynsworth Sinkler Boyd, P.A.  
P.O. Box 2048  
Greenville; SC 29602  
864.240.3223

**HAYNSWORTH  
SINKLER BOYD**

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SC Court of Appeals

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DIRECT 864.240.3220  
sspruill@hsblawfirm.com

March 22, 2019

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 for filing, please find an original plus seven copies of *Respondent's Motion for Leave to File Amended Designation of Matter to be Included in the Record on Appeal*, together with our Proof of Service for the same. Please return clocked copies to me in the enclosed self-addressed, stamped envelope. By copy of this letter, I am serving counsel of record with the same.

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

Sincerely yours,

HAYNSWORTH SINKLER BOYD, P.A.



Sarah P. Spruill

SPS/jmb  
Enclosures

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

Haynsworth Sinkler Boyd, P.A.

67-7761532

1076339

WELLS FARGO BANK, NA  
GREENVILLE, SC

Operating Account  
P.O. Box 2048  
Greenville, South Carolina 29602

Date

March 22, 2019

Amount

PAY EXACTLY Fifty and 00/100\*\*\*\*\*\$ 50.00

TO THE ORDER OF S.C. Court of Appeals



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Date Mar 22/19 Check Number: 1076339  
VENDOR # 03791

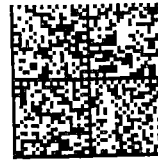
Invoice Num	Invoice Date	Reference	Invoice Amount	Amount Paid	Discount Taken	Payment Amt
03222019	3/22/2019		50.00	50.00		50.00

Disb Date	Disb ID	Disbursement Description	Client	Matter	Amount
3/22/2019	3411371	Filing Fee	38954	0002	50.00

Motion filing fee for motion to amend, Sarah Spruill VENDOR: S.C. Court of Appeals; INVOICE#: 03222019; DATE: 3/22/2019 - Janice Barry

Disbursement Invoice Total: \$50.00

Totals: \$50.00 \$50.00 \$0.00 \$50.00



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**HAYNSWORTH  
SINKLER BOYD**

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