

STATE OF SOUTH CAROLINA
In the Court of Common Pleas

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable Cynthia Graham Howe, Master-In-Equity

RECEIVED

APR 18 2019

SC Court of Appeals

Appellate Case No.: 2018-001590

Andrew Waldo; Jane Zheng; and SC Coast Properties, LLC d/b/a
Keller Williams Realty Respondents

v.

Michael Cousins; Founders Five, LLC d/b/a Sperry Van Ness Founders
Group; and South Carolina Association of REALTORS Appellants,

**DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 209, SCACR, the Respondents designate the following materials to be included in the Record on Appeal:

1. Order Granting Defendant National Golf Management, LLC's Motion to Dismiss, filed January 11, 2016;
2. Order Granting Appellants' Motion to Consolidate, Denying Respondents' Motions to Dismiss, Or, In the Alternative, For Summary Judgment, and Denying Respondent Cousins & Founder's Five, LLC's Motion to Confirm Arbitration Award, filed September 23, 2016;
3. Order Granting Limited Motion to Reconsider and Amending Order of September 23, 2016; filed February 21, 2017;
4. Consent Order of Reference to Master-In-Equity, filed April 3, 2017;
5. Order Vacating Arbitration Award, filed August 16, 2018;
6. Award of Arbitrators, dated February 2, 2016;
7. Decision of the Procedural Review Hearing Tribunal, dated May 2, 2016;
8. Founders Five, LLC d/b/a Sperry Van Ness Founders Group Complaint, filed March 20, 2015;
9. Stipulation of Dismissal of Randy Wallace, filed June 29, 2015;
10. Affidavit of Michael Cousins, filed November 16, 2015, with exhibits;
11. Notice of Appeal of Award of Arbitrators, filed March 1, 2016, with exhibits;
12. Respondent Michael Cousins' Response to Notice of Appeal, filed March 30, 2016;

13. Motion to Dismiss of Defendant South Carolina Association of REALTORS®, filed April 12, 2016;
14. Defendant South Carolina Association of REALTORS®' Memorandum in Support of Motion to Dismiss, filed April 14, 2016, with exhibits;
15. Notice of Appeal, filed May 17, 2016, with exhibits;
16. Memorandum In Opposition to Respondent Michael Cousins' Motion to Confirm Arbitration Award and Enter Judgment, filed May 19, 2016;
17. Response to Notice of Appeal By Respondents Michael Cousins, Founders Five, LLC d/b/a Sperry Van Ness Founders Group, filed May 25, 2016;
18. Defendant South Carolina Association of REALTORS®' Motion to Dismiss, Or, In the Alternative, For Summary Judgment and Memorandum In Support, filed June 20, 2016, with exhibits;
19. Notice of Motion and Motion of Respondent Michael Cousins To Confirm Arbitration Award and Enter Judgment, and Memorandum In Support of Respondent Michael Cousins' Motion to Enforce Arbitration Award and Enter Judgment, filed June 30, 2016;
20. Appellant's Memorandum In Opposition to Respondent's Motion to Dismiss, Or, In the Alternative, For Summary Judgment, filed July 25, 2016, with exhibits;
21. Affidavit of Nick Dou, dated April 6, 2016, filed as exhibit to Appellant's Memorandum In Opposition to Respondent's Motion to Dismiss, Or, In the Alternative, For Summary Judgment on July 25, 2016;
22. Affidavit of Matthew Brittain, dated April 14, 2016, filed as exhibit to Appellant's Memorandum In Opposition to Respondent's Motion to Dismiss, Or, In the Alternative, For Summary Judgment on July 25, 2016;
23. Affidavit of Jane Zheng, dated April 18, 2016, filed as exhibit to Appellant's Memorandum In Opposition to Respondent's Motion to Dismiss, Or, In the Alternative, For Summary Judgment on July 25, 2016;
24. Defendant South Carolina Association of REALTORS®' Reply to Plaintiff's Memorandum In Opposition to Defendant's Motion to Dismiss, Or, In the Alternative, For Summary Judgment, filed September 8, 2016;
25. Notice of Motion and Motion By Respondent Michael Cousins, Founders Five, LLC d/b/a Sperry Van Ness, and Founders Group For Reconsideration of Motion to Confirm Arbitration Award, and Supporting Memorandum, filed October 3, 2016;
26. Appellants' Memorandum In Opposition to Motion for Reconsideration, filed October 14, 2016;
27. Supplemental Memorandum In Support of Defendants' Motion for Reconsideration, filed October 17, 2016, with exhibit;
28. Defendant South Carolina Association of REALTORS®' Responses to Plaintiff's Applications to Vacate the Award, filed October 31, 2016;
29. Notice of Motion and Motion of Respondent Michael Cousins to Confirm Arbitration Award and Enter Judgment, filed March 9, 2017;
30. Defendant South Carolina Association of REALTORS®' Memorandum In Support of Motion to Confirm Arbitration Award, filed June 20, 2017, with exhibits;
31. Transcript of Hearing Before the Honorable Cynthia Graham Howe, June, 21, 2017;
32. Audio of Arbitration Panel Hearing, February 2, 2016;
33. Request and Agreement to Arbitrate, dated September 21, 2015, submitted by Andrew F. Waldo and Keller Williams Realty;

34. Request for Procedural Review, dated February 24, 2016;
35. Agreement of Sale, dated October 29, 2014;
36. Excerpt of April 22, 2015 Agreement of Purchase and Sale;
37. Buyer Agency Contracts, terms of May 1, 2014 through October 1, 2015;
38. Email Correspondence regarding Recording of Procedural Review Hearing, dated April 24, 2016;
39. Policy of South Carolina REALTORS® Governing State Professional Standards Procedures;
40. National Association of Realtors Code of Ethics and Arbitration Manual.

Counsel for Respondents certify that this Designation contains no matter that is irrelevant to this appeal.



DOUGLAS M. ZAYICEK

HOLLY M. LUSK

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*Andrew Waldo; Jane Zheng; and SC Coast Properties, LLC
d/b/a Keller Williams Realty*

Myrtle Beach, South Carolina

April 16, 2019

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Keller Williams Realty Respondents

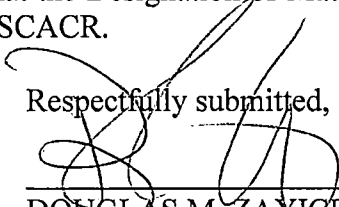
v.

Michael Cousins; Founders Five, LLC d/b/a Sperry Van Ness Founders
Group; and South Carolina Association of REALTORS Appellants,

CERTIFICATE OF COUNSEL

The undersigned certifies that the Designation of Matter to be Included in the Record on
Appeal complies with Rule 209(b) SCACR.

Respectfully submitted,



DOUGLAS M. ZAXICEK

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BELLAMY, RUTENBERG, COPELAND,

EPPS, GRAVELY & BOWERS, P.A.

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Counsel for Respondents,

Andrew Waldo; Jane Zheng; and SC Coast Properties, LLC

d/b/a Keller Williams Realty

Myrtle Beach, South Carolina

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v.

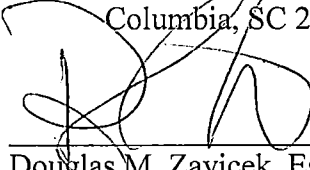
Michael Cousins; Founders Five, LLC d/b/a Sperry Van Ness Founders
Group; and South Carolina Association of REALTORS Appellants,

PROOF OF SERVICE

The undersigned certifies that he is employed by the law firm of Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, P.A., attorneys for the Respondents, Andrew Waldo, Jane Zheng, and SC Coast Properties, LLC d/b/a Keller Williams Realty, that he has mailed a copy of the Respondents' Initial Brief in Response to Initial Brief of Appellant South Carolina Association of Realtors, Designation of Matter to Be Included in the Record on Appeal, Certificate of Counsel, and Proof of Service to counsel listed below this 16th day of April, 2019, with property postage attached thereto.

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+ CERTIFIED MEDIATOR
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SC Court of Appeals

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

Re: Andrew Waldo; Jane Zheng; and SC Coast Properties, LLC d/b/a Keller Williams Realty, *Respondents* v. Michael Cousins; Founders Fiver, LLC d/b/a Sperry Van Ness Founders Group; and South Carolina Association of REALTORS, *Appellants*
Appellate Case No.: 2018-001590

Dear Ms. Kitchings:

Enclosed herewith please find the originals and one copy of each of the Respondents' Initial Brief in Response to Initial Brief of Appellant South Carolina Association of Realtors, Designation of Matter to Be Included in the Record on Appeal, Certificate of Counsel, and Proof of Service in the above-referenced matter. Please file the original documents and return the clocked copies to me in the self-addressed stamped envelope enclosed for your convenience.

If you have any questions or need additional information, please feel to contact me.

With kindest regards, I am

Yours very truly,

BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P.A.

Douglas M. Zayicek

Enclosures as noted

cc: Client
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TO:

The Honorable Jenny Abbott Kitchin
Clerk of Court
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