

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
Gordon G. Cooper, Master-In-Equity
Trial Court Case No. 2011-CP-42-0500

Appellate Case No. 2019-000404

RECEIVED
JUL 09 2019
SC Court of Appeals

Super Suds, LLC, Appellant,

v.

Carolina Properties Holdings, LLC, Walter W. Parker, IV, the United States of America by and through the U.S. Small Business Administration, Carolina Clean Greer I, LLC, and Community Development & Improvement Corporation, Defendants,

Of Which Carolina Properties Holdings, LLC, and Walter W. Parker, IV are the Respondents.

**APPELLANT'S INITIAL DESIGNATION OF MATTER TO BE INCLUDED IN THE
RECORD ON APPEAL**

Pursuant to Rule 208, SCACR, Appellant Super Suds, LLC ("Appellant") proposes the following be included in the Record on Appeal¹:

1. Order of Substitution, dated October 31, 2011;
2. Order of Reference, dated September 25, 2014;
3. Order of September 1, 2017, Denying Respondents' Motion to Disqualify Hill;
4. Order of December 5, 2017, Granting Respondents' Leave to File Amended

Complaint;

¹ For each item identified, which includes exhibits, the designation of the principal document includes the exhibits incorporated therein.

5. Order of September 27, 2018, Denying Appellant's Motion for Declaration Pursuant to Rule 43(k), SCRCF;
6. Order of September 27, 2018, Granting Respondents' Motion for Summary Judgment;
7. Order of February 6, 2019, Granting Respondents' Motion to Strike;
8. Order of February 6, 2019, Denying Appellant's Motion to Reconsider Order Granting Summary Judgment;
9. Amended Order of February 13, 2019, Granting Respondents' Motion to Strike;
10. Order of February 13, 2019, Denying Appellant's Motion to Reconsider Order Denying Appellants' Motion for Declaration Under Rule 43(k), SCRCF.
11. Complaint filed by BB&T, dated February 2, 2011.
12. Answer and Counterclaim, filed on behalf of Respondents, dated April 18, 2011;
13. Amended Complaint of BB&T, dated July 25, 2011;
14. Respondents' Motion to Dismiss, filed April 5, 2017;
15. Respondents' Motion to Disqualify Hill, filed May 26, 2017;
16. Respondents' Motion to Compel, filed May 26, 2017;
17. Respondents' Motion to File Answer to Amended Complaint, dated June 14, 2017;
18. Appellant's Brief in Opposition to Respondents' Motion to Compel Testimony of Hill, dated August 11, 2017;
19. Appellant's Brief in Opposition to Respondents' Motion to Amend Answer, dated August 11, 2017;
20. Respondents' Answer to Amended Complaint, dated December 6, 2017;

21. Appellant's Reply to Respondents' Answer to Amended Complaint and Counterclaims, filed January 10, 2018;
22. Appellant's Motion for Declaration Under Rule 43(k), SCRCP;
23. Appellant's Memorandum in Support of Motion for Declaration Under Rule 43(k), SCRCP, filed July 9, 2018;
24. Respondents' Memorandum in Opposition to Appellant's Motion for Declaration Under Rule 43(k), SCRCP, filed July 9, 2018;
25. Respondents' Memorandum of Law in Support of Motion to Dismiss or in the Alternative Motion for Summary Judgment, filed July 9, 2018;
26. Appellant's Motion to Reconsider Order Denying Motion for Declaration Under Rule 43(k), filed October 8, 2018;
27. Appellant's Motion to Reconsider Order Granting Respondents' Motion for Summary Judgment, dated October 8, 2018;
28. Respondents' Motion to Strike Hill Affidavit, filed October 15, 2018;
29. Appellant's Brief in Opposition to Respondents' Motion to Strike Hill Affidavit, filed October 29, 2018;
30. Respondents' Response in Opposition to Appellant's Motion to Reconsider Order Denying Declaration Under Rule 43(k), filed January 16, 2019;
31. Respondents' Response to Appellant's Motion to Reconsider Order Granting Respondents' Motion for Summary Judgment, filed January 16, 2019;
32. Transcript of Hearing of August 14, 2017;
33. Transcript of Hearing of July 17, 2018;
34. Transcript of Hearing of January 17, 2019;

35. Transcript of Deposition of Walt W. Parker, dated June 14, 2018;
36. Transcript of Deposition of Ken Howard, dated June 14, 2018;
37. Affidavit of S. Allan Hill, dated September 7, 2018.
38. Amended Lis Pendens, dated August 9, 2016.

Certificate of Counsel

The undersigned hereby certifies that the above designation does not contain any matter which is irrelevant to the Appeal.

July 5, 2019

C. Daniel Atkinson, by W. Spencer Barnou with express permission
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Of Which Carolina Properties Holdings, LLC, and Walter W. Parker, IV are the Respondents.

PROOF OF SERVICE

I certify that I have served Appellant's Initial Designation of Matter to Be Included in the Record on Appeal on the following counsel of record by depositing a copy of it in the United States Mail, postage prepaid, on July 2, 2019.

Barbara E. Brunson, Esq.
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Patrick C. Wooten, Esq.
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Attorneys for Carolina Properties Holdings, LLC and Walter W. Parker, IV

George J. Conits
Assistant U.S. Attorney
55 Beatties Place, Suite 700
Greenville, SC 29601
*Attorney for the United States of America by and through
The U.S. Small Business Administration*

Defendants Community Development and Improvement
Corporation and Carolina Clean Greer I, LLC, are Without Counsel

July 5, 2019

C. Daniel Atkinson, by W. Spencer Barrow with
C. Daniel Atkinson *express permission*

WILKES LAW FIRM P.A.

MICHAEL B.T. WILKES**
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J. ALEXANDER JOYNER*
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• CHARLESTON OFFICE
• ALSO MEMBER GEORGIA BAR
• ALSO MEMBER NORTH CAROLINA BAR
• CERTIFIED MEDIATOR

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July 5, 2019

Via U.S. Mail Only

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

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SC Court of Appeals

**Re: *Super Suds, LLC, Appellant, v. Carolina Properties Holdings, LLC,
et al, Respondents***
In the Court of Appeals for the State of South Carolina
Appellate Case No. 2019-000404

Dear Ms. Kitchings:

Enclosed for filing in the referenced matter are an original and one copy of the *Initial Brief of Appellant and Proof of Service*, together with *Appellant's Designation of Matter to be Included in the Record on Appeal and Certificate of Counsel*. Please file same and return a filed copy to me in the envelope provided.

If you have any questions, please advise.

Sincerely,



C. Daniel Atkinson
datkinson@wilkeslaw.com

CDA:jjjs
Enclosures

cc: All counsel of Record



First Class Mail

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