

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable Roger M. Young, Sr., Circuit Court Judge

Appellate Case No. 2018-000906

Yaschik Development Company, Inc.,
d/b/a Yaschik EnterprisesFourth-Party Defendant, Appellant

V.

Top of the Bay, Inc. d/b/a Club Light Fourth-Party Plaintiff, Respondent

DESIGNATION OF MATTER FOR THE RECORD

In compliance SCACR 209 and 210, the Respondent herein does hereby designate the following matter to be included in the Record on Appeal, and that no portion hereof is irrelevant to the Appeal.

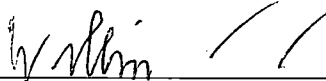
1. Trial Exhibits 2, 4, 6, 7, 17, 20, 24, 30, 33, 35, 38, 42, 58, 67, 70, 90, 91, 92, 110, 111-E, 111-H and 111-Q.
2. Complaint and Amended Complaint filed by Sea Island Food Group.
3. Top of The Bay's Answer and Fourth Party Complaint.
4. Order on Directed Verdict, Trial Tr. p. 787 - 806.
5. Verdict Form.
6. Yaschik post-trial Motions for New Trial, New Trial *Nisi* and Remittitur.
7. Order on Yaschik's post-trial Motions for New Trial, New Trial *Nisi* and Remittitur.
8. Yaschik Motion for JNOV, p. 7.

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9. Trial Tr. pp. 225, 456 - 7, 501 - 7, 737 - 835.
10. Trident Construction Permit Exhibit.

Respectfully submitted,

SWOPE LAW FIRM, P.A.



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The Hon. Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
P.O. Box 11629
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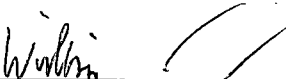
V.

Top of the Bay, Inc. d/b/a Club Light/..... Fourth-Party Plaintiff, Respondent

PROOF OF SERVICE

On this 19th day of July, 2019, I, William K. Swope, Esquire, of the Swope Law Firm, P.A., did hereby serve an original and seven (7) copies of Respondent's Motion to File Respondent's Brief Out of Time/Reinstate Appeal, an original and one (1) copy of Respondent's Initial Brief, Respondent's Designation of Matter to be Included in the Record on Appeal and Proof of Service of same on the Honorable Clerk of the South Carolina Court of Appeals and counsel of record at the following addresses, respectively.

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*Denise Grainger Swope**
**Certified Family Court Mediator*
and Former State Prosecutor

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July 19, 2019

The Hon. Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
P. O. Box 11629
Columbia, SC 29211
Attn.: Intake Clerk

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Re: Yaschik Development Co., Inc., Appellant, v. Top of the Bay, Inc., Respondent
C/A No.: 2018-000906

Dear Sir/Madam:

Enclosed please find an original and six (6) copies of Respondent's Motion to Allow Filing Respondent's Brief Out of Time/Reinstate, Respondent's Initial Brief and Respondent's Designation of Matter to be included in the Record on Appeal and my firm's trust account check in the sum of Twenty-Five and 00/100s (\$25.00) Dollars for the Motion filing fee.

If you have any questions or need further information, please do not hesitate to contact me at your earliest convenience. With all best wishes, I am,

Sincerely,



William K. Swope, Esquire

WKS/lvh

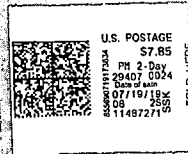
cc: W. Tracy Brown, Esquire
E. Brandon Gaaskins, Esquire
Charles R. Scarmanich, Esquire
Client
File

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USPS TRACKING NUMBER



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The Hon. Jenny Abbott Kitchings
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