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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
In the Court of Common Pleas for the Ninth Circuit

The Honorable Maite Murphy, Circuit Court Judge

Appellate Case No. 2019-000671

Tammy C. Richardson Respondent

v.

Halcyon Real Estate Services, LLP and McCabe, Trotter &
Beverly, P.C. Defendants

Of whom McCabe, Trotter & Beverly, P.C. is the Appellant

APPELLANT'S DESIGNATION OF MATTER FOR
INCLUSION IN THE RECORD ON APPEAL

Randell C. Stoney, Esq.
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and

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***Counsel for Appellant McCabe, Trotter &
Beverly, P.C.***

Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Appellant McCabe, Trotter & Beverly, P.C. ("MTB") hereby designates the following materials to be included in the Record on Appeal in this matter in connection with its Appellants' Brief. Unless otherwise expressly stated, each item designated is to include all attachments or exhibits to the original of the referenced item. MTB intends to designate each and every item from the record that it cited in its Initial Appellant's Brief in this matter. MTB expressly reserves the right to seek supplementation of the record pursuant to Rules 209 and 212, SCACR. MTB designates the following matters for inclusion in the Record on Appeal:

1. October 29, 2015 Amended Answer and Counterclaim and Third-Party Complaint
2. December 21, 2015 Answer to Third-Party Complaint of McCabe, Trotter & Beverly, P.C.
3. Order on McCabe, Trotter & Beverly, and P.C.'s Motion to Dismiss the Third Party-Complaint
4. January 21, 2019 Motion for Protective Order (Deposition of Haylen Gatling)
5. January 31, 2019 Motion for Protective Order (Deposition of Sheri Self)
6. Feb. 7, 2019 Plaintiffs' Motion for Sanctions and Memorandum in Support Thereof Concerning Improper Deposition Conduct of MTB Counsel ***and*** the following Exhibits thereto
 - (a) Exhibit 2 (Deposition of Sheri Self) — Pages 7, 21-24, 92-93, 105, 113, 118, 123, 148, 151, 155-57, 161, 172, 183, 185-86, 194-95, 204-05, 223-28
 - (b) Exhibit 3 (Deposition of Haylen Gatling) — Pages 1, 16, 182, 184-87, 232, 236, 293
7. March 1, 2019 MTB's Brief in Opposition to Plaintiff's Motion for Sanctions ***and*** the following Exhibits thereto
 - (a) Exhibit 2 (Notice of Videotaped Deposition of Sheri Self)
 - (b) Exhibit 3 (Notice of Videotaped Deposition of Haylen Gatling)
 - (c) Exhibit 4 (November 14, 2018 Letter from Mr. Countryman to

Mr. Kahn)

- (d) Exhibit 5 (68-page Document List)
 - (e) Exhibit 6 (January 15, 2019 Letter from Mr. Countryman to Attorney Kahn)
 - (f) Exhibit 7 (67-page Document List)
8. March 28, 2019 Email from Mr. Rowh (Judge Murphy's Law Clerk) to Counsel
 9. March 28, 2019 Email from Mr. Countryman to Mr. Rowh (Judge Murphy's Law Clerk)
 10. April 1, 2019 Letter from Mr. Countryman to Judge Murphy
 11. April 4, 2019 Order Granting Plaintiffs' Motion for Sanctions for Deposition Misconduct and Denying Defendant's Motion for Protection (Self and Gatling)
 12. April 15, 2019 Motion to Reconsider Order Entered April 4, 2019 and to Stay Relief Requested Granted in Order (Expedited Hearing Requested)
 13. April 26, 2019 Order Denying McCabe, Trotter & Beverly, P.C.'s Motion for Reconsideration
 14. April 22, 2019 Notice of Appeal

MTB certifies, pursuant to S.C.A.C.R., Rule 209(c), that the designations set forth above are relevant to the appeal in this matter, and that it has not designated any matter that is irrelevant to the issues before the Court.

August 19, 2019

BARNWELL WHALEY PATTERSON &
HELMS, LLC

By: 

M. Dawes Cooke, Jr., Esq.

Justin P. Novak, Esq.

John W. Fletcher, Esq.

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*Counsel for Appellant McCabe, Trotter &
Beverly, P.C.*

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PROOF OF SERVICE

I certify that I have served the Appellant McCabe, Trotter & Beverly, P.C.'s Designation of Matter for Inclusion in the Record on Appeal on the above-referenced Respondent by depositing a copy of it in the United States Mail, postage prepaid, on August 19, 2019, addressed to her attorneys of record:

Justin Kahn, Esq.
Kahn Law Firm, LLP
562 Savannah Highway
Charleston, South Carolina 29407

Mary Leigh Arnold, Esq.
Mary Leigh Arnold, P.A.
749 Johnnie Dodds Boulevard
Mount Pleasant, South Carolina 29464
Attorneys for Respondent Tammy C. Richardson

August 19, 2019

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HELMS, LLC

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***Counsel for Appellant McCabe, Trotter &
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Justin P. Novak, Esquire
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Charleston Office

August 19, 2019

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

RECEIVED
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SC Court of Appeals

RE: Tammy Richardson v. Halcyon Real Estate
Appellate Case No. 2019-000671
Our Matter No. 2116.160

Dear Ms. Kitchings:

Enclosed for filing are the original and one copy of each of the following:

- (1) Initial Brief of Appellant;
- (2) Appellant's Designation of Matter for Inclusion in the Record on Appeal; and
- (3) Proofs of Service.

Please file the originals and return clocked copies to me in the enclosed envelope.

By copy of this letter, I am serving a copy of the Initial Brief and Designation upon counsel of record.

Sincerely,

Justin P. Novak

JPN/jgc
Enclosures

cc: Justin S. Kahn, Esquire
Mary Leigh Arnold, Esquire
Robert P. Wood, Esquire

{00927007.DOCX.1 }

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REPRESENTING CLIENTS IN ALL COURTS IN SOUTH CAROLINA AND NORTH CAROLINA AND IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.



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**BARNWELL
WHALEY** | 80 YEARS | 1933-2013
PATTERSON & HELMS LLC
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2116 160
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