

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

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Appellate Case No. 2019-001140  
Civil Action No. 2018-CP-08-00817

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**RECEIVED**  
FEB 11 2020  
SC Court of Appeals

Ronald L. Jones and Gayle Langley Jones, Thomas Huguenin Gaillard, as Trustee of The Thomas Huguenin Gaillard Revocable Trust, Dated April 3, 2007, and Thomas W. Cone, Jr. as Trustee of The Thomas W. Cone, Jr. Revocable Trust, Dated April 3, 2007, ..... Respondents,

v.

Rogers Townsend & Thomas, P.C. Lisa Hostetler; Alexander C. Peabody; and Peabody & Associates, Inc., ..... Defendants,

Of Which Rogers Townsend & Thomas, P.C. and Lisa Hostetler are ..... Appellants.

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

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Warren C. Powell, Jr.  
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*Attorneys for Appellant*

The Appellants, Rogers Townsend & Thomas, P.C. and Lisa Hostetler, designate and propose the following materials to be included in the Record on Appeal, pursuant to Rule 209, SCACR.

1. Summons and Complaint, filed May 4, 2018.
2. Answer of Rogers Townsend & Thomas and Lisa Hostetler, filed June 12, 2018.
3. Roger Townsend & Thomas, P.C.'s Motion to Add a Party (SCRCP Rule 19(a)), filed June 12, 2018.
4. Memorandum in Support of Defendant Rogers Townsend & Thomas, P.C.'s Motion to Add a Party, filed June 12, 2018.
5. Defendants Alexander C. Peabody and Peabody & Associates, Inc.'s Answer to Plaintiffs' Complaint, filed June 21, 2018.
6. Transcript of Motion Hearing on August 6, 2018.
7. J. Bucker Form 4 Order granting motion to add parties, filed August 13, 2018.
8. Trustees' Motion for Nonjoinder pursuant to Rule 21, SCRCP, filed March 29, 2019.
  - i. Ex. A: Agreement recorded March 22, 2019.
  - ii. Ex. B: Email chain dated March 28, 2019.
9. [Lawyer] Defendants' Motion to Amend Answer, filed March 29, 2019.
  - i. Ex. A: Proposed Amended Answer with counterclaim for declaratory judgment.
  - ii. Ex. B:
    1. Pt. 1: Title recorded April 5, 2006.
    2. Pt. 2: Plat dated March 17, 2005.

3. Pt. 3: Agreement recorded March 22, 2019.

4. Pt. 4: Plat dated March 24, 2010.

10. Memorandum in Opposition to Plaintiff Trustees' Motion to Dismiss and in Support of Defendants' Motion [to] Amend [Their] Answer to Assert a Declaratory Judgment Claim, filed May 3, 2019.

- i. Exhibit Index.
- ii. Ex. 1: Complaint, filed May 4, 2018.
- iii. Ex. 2: Letter from Powell to Hulst with discovery responses, February 25, 2019.
- iv. Ex. 3: Email chain dated March 4, 2019 re: unavailability of Trustees.
- v. Ex. 4: Letter from Powell to Maring and Hulst re: discovery, March 11, 2019.
- vi. Ex. 5: Email chain dated March 13, 2019 confirming Trustee availability.
- vii. Ex. 6: Agreement, recorded March 22, 2019.
- viii. Ex. 7: Email chain dated March 27, 2019 re: new agreement.
- ix. Ex. 8: Email chain dated March 28, 2019 re: motion for non-joinder.
- x. Ex. 9: Email chain dated March 28, 2019 re: backing out of depositions.
- xi. Ex. 10: Letter with Deposition Notices, March 28, 2019.
- xii. Ex. 11: Email from Hulst, March 29, 2019 re: not doing depositions.
- xiii. Ex. 12: Email from Powell, April 4, 2019 re: depositions and discovery.
- xiv. Ex. 13: J. Bucker Form 4 Order, filed August 13, 2018.
- xv. Ex. 14: Trustee's Motion for Non-joinder.

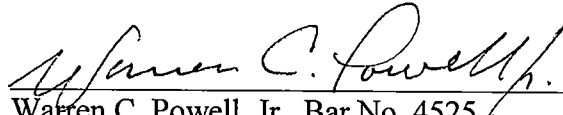
- xvi. Ex. 15: Lawyer Defendants' Motion to Amend Answer with proposed answer.
11. Transcript of May 7, 2019 hearing before J. Jefferson.
  12. Lawyer Defendants' filed Amended Answer with Summons, filed May 7, 2019.
  13. J. Jefferson Form 4 Order granting motion for non-joinder, filed May 9, 2019.
  14. J. Jefferson Order granting Motion to Amend Answer, filed May 9, 2019.
  15. Lawyer Defendants' Motion for Reconsideration and to Alter or Amend the Order of May 9, 2019 [SCRCP 59(e)], filed May 20, 2019.
    - i. Ex. A: Title recorded on April 5, 2006.
    - ii. Ex. B: Complaint, filed May 4, 2018.
    - iii. Ex. C: Lawyer Defendants' Answer, filed June 12, 2018.
    - iv. Ex. D: Lawyer Defendants' Motion to Add a Party, filed June 12, 2018.
    - v. Ex. E: J. Buckner Form 4 Order, filed August 13, 2019.
    - vi. Ex. F: Email from Hulst, dated March 22, 2019, containing new agreement.
    - vii. Ex. G: Trustee's Motion for Non-joinder.
    - viii. Ex. H: Lawyer Defendants' Motion to Amend Answer with proposed answer.
    - ix. Ex. I: J. Jefferson Form 4 Order granting motion for non-joinder, filed May 9, 2019.
    - x. Ex. J: Email chain dated March 29, 2019 re: depositions and non-joinder.
  16. J. Jefferson Order Denying Defendant's Motion to Alter/Amend Judgment, filed June 26, 2019.
  17. Notice of Appeal, filed July 12, 2019 (exhibit orders omitted).

18. Amended Notice of Appeal, filed July 12, 2019 (exhibit orders omitted).

**CERTIFICATION OF COUNSEL**

The undersigned counsel hereby certifies that this designation of matter contains no matter which is irrelevant to this appeal pursuant to Rule 209(c), SCACR.

**BRUNER, POWELL, WALL & MULLINS, LLC**



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*Attorneys for Appellant*

Columbia, South Carolina  
February 11, 2020

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY  
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The Honorable Deadra L. Jefferson, Circuit Court Judge

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Civil Action No. 2018-CP-08-00817  
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Ronald L. Jones and Gayle Langley Jones, Thomas Huguenin Gaillard, as Trustee of The Thomas Huguenin Gaillard Revocable Trust, Dated April 3, 2007, and Thomas W. Cone, Jr. as Trustee of The Thomas W. Cone, Jr. Revocable Trust, Dated April 3, 2007 .....Respondents,

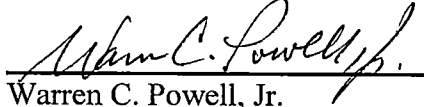
v.

Rogers Townsend & Thomas, PC; Lisa Hostetler; Alexander C. Peabody; and Peabody & Associates, Inc. ....Defendants,

Rogers Townsend & Thomas, P.C. and Lisa Hostetler .....Appellants

**PROOF OF SERVICE**

I certify that I have served the Initial Brief of Appellants and Appellants' Designation of Matter to be Included in the Record on Appeal upon Ronald L. Jones and Gayle Langley Jones by depositing a copy of same in the United States Mail, postage prepaid, on December 26, 2019 addressed to their attorneys of record, Robert W. Maring, Maring & Moyer, LLC, PO Box 478, Georgetown SC 29442; on Thomas Huguenin Gaillard, as Trustee of The Thomas Huguenin Gaillard Revocable Trust, Dated April 3, 2007, and Thomas W. Cone, Jr., as Trustee of The Thomas W. Cone, Jr. Revocable Trust, Dated April 3, 2007 by depositing a copy of it in the United States Mail, postage prepaid, on December 26, 2019 addressed to their attorneys of record, Jary J. Hulst, Williams & Hulst, 209 E. Main St., Moncks Corner SC 29461; and upon Alexander C. Peabody and Peabody & Associates, Inc., by depositing a copy of it in the United States Mail, postage prepaid, on December 26, 2019 addressed to their attorneys of record, Ryan A. Earhart, Earhart Overstreet, LLC, PO Box 22528, Charleston SC 29413.



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February 11, 2020

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\* ALSO ADMITTED IN DISTRICT OF COLUMBIA

February 11, 2020

**VIA HAND DELIVERY**

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

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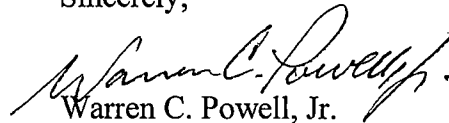
**Re: *Ronald L. Jones, et al. v. Rogers Townsend & Thomas, PC***  
***Civil Action No. 2018-CP-08-817***  
***Appellate Case No. 2019-001140***  
***Our File No. 3-2120.7***

Dear Ms. Kitchings:

Enclosed please find the original and two copies of the Initial Brief of Appellants and Appellants' Designation of Matter to be Included in the Record on Appeal along with the Proof of Service evidencing service of same upon counsel of record.

With my kindest regards, I am,

Sincerely,

  
Warren C. Powell, Jr.

WCPjr/ljf  
Enclosures

Cc: Robert W. Maring, Esquire  
Jary J. Hulst, Esquire  
Ryan A. Earhart, Esquire