

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM YORK COUNTY  
In The Circuit Court

William A. McKinnon, Circuit Court Judge

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Appellate Case No. 2019-001061

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**RECEIVED**  
MAR 09 2020  
SC Court of Appeals

James Stephen Nivens and  
Carolyn Nivens,

Appellants,

v.

JB & E Heating & Cooling, Inc.,

Respondent.

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DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL


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The Appellants propose the following be included in the Record on Appeal:

1. Order of Summary Judgment filed March 18, 2019;
2. Order denying Motion to Reconsider filed May 31, 2019
3. Summons and Complaint filed August 10, 2017;
4. Answer with Motion to Dismiss filed April 6, 2018;
5. Motion for Summary Judgment, with Exhibits, filed January 24, 2019;
6. Affidavit filed February 5, 2019;
7. Memo in Response to Motion for Summary Judgment, with Exhibits, filed February 5, 2019;
8. Motion to Reconsider Order of Summary Judgment, filed March 28, 2019;
9. Memo in Support of Motion to Reconsider, filed April 23, 2019;
10. Transcript of Motion Hearing, February 6<sup>th</sup>, 2019;

11. Transcript of Motion Hearing, May 31<sup>st</sup>, 2019.

March 6, 2020

  
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John Martin Foster  
Post Office Box 106  
Rock Hill, South Carolina 29731  
(803) 324-8100  
Attorneys for Appellants

Other Counsel of Record:

James W. Boyd  
1544 Ebenezer Road  
Rock Hill, S.C. 29732  
Attorney for Respondent  
803 328-2600

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CERTIFICATE OF SERVICE

The undersigned, counsel for Appellants in the civil appeal above, hereby certifies that, on the date written below, he served copies of the following pleadings or documents in the above-captioned and numbered civil action:

Initial Brief of Appellants;  
Designation of Matter to Be Included in the Record on Appeal; and  
this Certificate of Service,

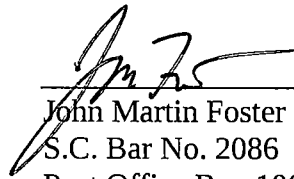
by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known address(es) of those attorney(s) and/or persons set out below; or

by hand delivering copies of the same to the following persons, or by leaving the same at that person's office with that person's clerk or some other person in charge thereof, or by leaving it in a conspicuous place therein; of if the office was closed or the person to be served has no office, by

leaving a copy at that person's dwelling place or usual place of abode with some person of suitable age and discretion then residing therein. all pursuant to Rule 262, S.C.A.C.R.

James W. Boyd  
1544 Ebenezer Road  
Rock Hill, S.C. 29732  
Attorney for Respondent  
803 328-2600

March 6, 2020



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John Martin Foster  
S.C. Bar No. 2086  
Post Office Box 106  
Rock Hill, South Carolina 29731-6106  
(803) 324-8100  
Attorney for Appellants

**JOHN MARTIN FOSTER**

*Attorney at law*

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Rock Hill South Carolina 29730	29731-6106	jmfoster@comporium.net

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March 6, 2020

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

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Re: James Stephen Nivens and Carolyn Nivens, Appellants  
v. JB & E Heating & Cooling, Inc., Respondent  
Case No.: 2017-CP-46-02339  
Appellate Case 2019-001061

SC Court of Appeals

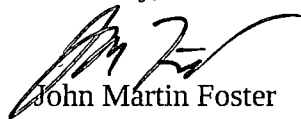
Dear Ms. Kitchings:

Pursuant to our recent Motion, enclosed herewith please find the original and one (1) copy of the Appellants' Initial Brief and Designation of Matter to be Included in the Record on Appeal, together with Certificate of Service for the same in the above referenced case.

By copy of this letter, I am serving the attorney for the Respondent with copies of the said documents as evidenced by the Certificate of Service.

Please return the extra conformed copy to my office in the enclosed self-addressed, stamped envelope. As always, thank you, and your staff, for your assistance in these matters.

Sincerely,

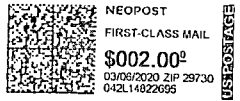
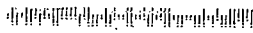


John Martin Foster  
Post Office Box 106  
Rock Hill, South Carolina 29731  
803 324-8100  
Attorney for Appellants

jmf/  
enclosures

cc: Clients

James W. Boyd  
1544 Ebenezer Road  
Rock Hill, S.C. 29732  
Attorney for Respondent  
803 328-2600



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MAR 09 2020

SC Court of Appeals

**John Martin Foster Attorney**

223 East Main St Suite 520

Post Office Box 106

Rock Hill SC 29731-6106

**TO:**

THE HONORABLE JENNY ABBOTT KITCHINGS

CLERK OF THE COURT OF APPEALS

POST OFFICE BOX 11629

COLUMBIA, S.C. 29211