

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DARLINGTON COUNTY
In the Court of Common Pleas for the Fourth Judicial Circuit

The Honorable Roger E. Henderson, Circuit Court Judge

Appellate Case No. 2019-001972

RECEIVED

APR 03 2020

SC Court of Appeals

Everett J. Samuels, Jr. Respondent

v.

Schumacher Homes of South Carolina, Heather McCarley, and
Dave Boldman Appellants

**APPELLANTS' DESIGNATION OF MATTER FOR
INCLUSION IN THE RECORD ON APPEAL**

K. Michael Barfield, Esq.
John W. Fletcher, Esq.
BARNWELL WHALEY PATTERSON &
HELMS, LLC
288 Meeting Street, Suite 200 (29401)29401
P.O. Drawer H
Charleston, SC 29402
(843) 577-7700 Fax: (843) 577-7708

Counsel for Appellants

DESIGNATION OF MATTER FOR INCLUSION IN THE RECORD ON APPEAL

Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Appellants hereby designate the following materials to be included in the Record on Appeal in this matter in connection with their Appellants' Brief. Unless otherwise expressly stated, each item designated is to include all attachments or exhibits to the original of the referenced item. Appellants intend to designate each and every item from the record that they cite in their Initial Brief of Appellants in this matter. Appellants expressly reserve the right to seek supplementation of the record pursuant to Rules 209 and 212, SCACR. Appellants designate the following matters for inclusion in the Record on Appeal:

1. July 10, 2017 Complaint
2. August 28, 2017 Answer of Defendants
3. August 20, 2019 Defendants' Notice of Motion and Motion to Dismiss and Refer to Arbitration
 - a. Exhibit to August 20, 2019 Defendants' Notice of Motion and Motion to Dismiss and Refer to Arbitration (excerpts of parties' agreement)
4. September 24, 2019 Plaintiff's Memorandum in Opposition to Defendants' Motion to Dismiss and Compel Arbitration
5. September 25, 2019 Memorandum in Support of Motion to Dismiss and Refer to Arbitration
 - a. Exhibit 1 to September 25, 2019 Memorandum in Support of Motion to Dismiss and Refer to Arbitration (elevation)
 - b. Exhibit 2 to September 25, 2019 Memorandum in Support of Motion to Dismiss and Refer to Arbitration (page from agreement)
 - c. Exhibit 3 to September 25, 2019 Memorandum in Support of Motion to Dismiss and Refer to Arbitration (elevation)
6. October 7, 2019 Order Denying Defendants' Motion to Dismiss and Compel Arbitration
7. October 16, 2019 Defendants' Notice of Motion and Motion to Reconsideration (sic) and Alter or Amend Judgment

8. November 21, 2019 Order denying Notice of Motion and Motion to Reconsideration (sic) and Alter or Amend Judgment
9. November 25, 2019 Notice of Appeal

Appellants certify, 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 they have not designated any matter that is irrelevant to the issues before the Court.

March 27, 2020

BARNWELL WHALEY PATTERSON &
HELMS, LLC

By: 

K. Michael Barfield, Esq.

John W. Fletcher, Esq.

BARNWELL WHALEY PATTERSON &
HELMS, LLC

P.O. Drawer H (29402)

288 Meeting Street, Suite 200

Charleston, SC 29401

(843) 577-7700 Fax: (843) 577-7708

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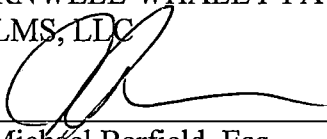
Schumacher Homes of South Carolina, Heather McCarley, and
Dave Boldman Appellants

PROOF OF SERVICE

I certify that I have served Appellants' 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 March 27, 2020, addressed to his attorneys of record:

Vincent A. Sheheen, Esq.
Greg B. Collins, Esq.
SAVAGE, ROYALL & SHEHEEN, L.L.P.
Post Office Drawer 10
1111 Church Street
Camden, South Carolina 29020
Attorneys for Respondent

BARNWELL WHALEY PATTERSON &
HELMS, LLC

By: 
K. Michael Barfield, Esq.
John W. Fletcher, Esq.
BARNWELL WHALEY PATTERSON &
HELMS, LLC
P.O. Drawer H (29402)
288 Meeting Street, Suite 200
Charleston, SC 29401
Counsel for Appellants



K. Michael Barfield
mbarfield@barnwell-whaley.com

Charleston office

March 27, 2020

3548.007
The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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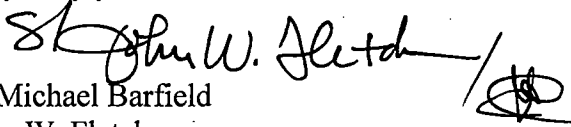
RE: Everett Samuels, Jr. v. Schumacher Homes, et al.
Appellate Case No. 2019-001972

Dear Ms. Kitchings:

Please find enclosed for filing Appellants Schumacher Homes of South Carolina, Heather McCarkley, and Dave Boldman's Initial Brief and Designation of Matter along with Proofs of Service of the same. Pursuant to the recent Order from the South Carolina Supreme Court, we are sending only one unbound original of each of these documents to the Court for filing.

As indicated in the enclosed Proofs of Service, we are also serving a copy of the Brief and DOM on counsel for the Respondent.

Very truly yours,


K. Michael Barfield
John W. Fletcher

/jas
Enclosures

cc: Greg B. Collins, Esq.
Vincent A. Sheheen, Esq.

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www.barnwell-whaley.com

SOUTH CAROLINA OFFICE:
288 Meeting Street, Suite 200, Charleston, SC 29401
P 843.577.7700 F 843.577.7708

NORTH CAROLINA OFFICE:
1427 Military Cutoff Road, Suite 202, Wilmington, NC 28403
P 910.679.1388 F 910.679.4663

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



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PATTERSON & HELMS LLC
P.O. Drawer H | Charleston SC 29402-0197

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