

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Benjamin H. Culbertson,
Circuit Court Judge

Case No.: 2019-CP-26-03905

Appellate Case No.: 2019-001744

RECEIVED
MAY 21 2020
SC Court of Appeals

Resort Restaurants of Myrtle Beach, Inc. d/b/a Rossi's,Appellant,

vs.

Galleria Shopping Center, LLC, Respondent.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

The Respondent, Galleria Shopping Center, LLC ("Galleria"), designates the following materials to be included in the record on appeal pursuant to Rule 209 of the South Carolina Appellate Court Rules.

ORDERS

- a. Bond to Stay Jury Trial Order dated July 31, 2017 signed by Judge Bradley D. Mayers.
- b. Order dated September 14, 2017 signed by Judge Bradley D. Mayers.
- c. Consent Order of Continuance dated October 25, 2017 signed by Judge Margie B. Livingston.

- d. Order to Return Bond clocked in on May 16, 2017 signed by Judge Margie B. Livingston.
- e. Order Granting Plaintiff's Motion for Relief from Judgment dated November 1, 2018 signed by Judge Bradley D. Mayers.
- f. Form 4 dated Sept. 11, 2019 signed by Judge Culbertson.

MOTIONS & MEMORANDA

- a. Memo from Judge Margie B. Livingston to Judge Bradley Mayers dated July 23, 2018.
- b. Motion for Relief from Order to Return Bond filed by Galleria dated July 9, 2018 and Exhibits A through G attached to this Motion.
- c. Response to Plaintiff's Motion for Relief from Order to Return Bond filed by counsel for Rossi's and dated July 17, 2019.
- c. Motion to Return Bond Funds filed by Rossi's dated October 10, 2018.

TRANSCRIPT

- a. Transcript of Record before Judge Culbertson dated September 11, 2019.

OTHER DOCUMENTS

- a. Answer to Appeal signed by Judge Bradley D. Mayers dated July 18, 2019 and all exhibits attached thereto.
- b. Copy of Cashier's Check to Galleria dated August 11, 2017 in the amount of \$34,840.82.
- c. Affidavit of Samantha Fasul dated May 3, 2019 and Attachments A through F that are attached to Ms. Fasul affidavit.
- d. Letter from John Connell, Jr. dated May 7, 2018.
- e. Disposition Notice dated June 10, 2019.

NOTICES OF APPEAL

- a. Notice of Rossi's Appeal to Circuit Court dated June 18, 2019.
- b. Notice of Rossi's Appeal to Court of Appeals dated October 9, 2019.

I certify that this designation contains no matter which is irrelevant to this appeal.

BURR & FORMAN LLP

s/James K. Gilliam

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Counsel for Respondent

May 20, 2020
Greenville, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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The Honorable Benjamin H. Culbertson,
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PROOF OF SERVICE

I, Carole Koerner, an employee of Burr & Forman LLP attorneys for Respondent, Galleria Shopping Center, LLC in the above-entitled action, certify that I have served the **Initial Brief of Respondent; Designation of Matters to Be Included in the Record on Appeal and Proof of Service** on Counsel of Record to this matter by depositing a copy in the United States Mail, first class postage prepaid and attached thereto, on the 20th day of May, 2020 as follows:

OTHER COUNSEL OF RECORD:

Robert B. Strickland, IV, Esq.
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Carole Koerner

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SC Court of Appeals

BURR.COM

May 20, 2020

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

**Re: Resort Restaurants of Myrtle Beach, Inc. d/b/a Rossi's v. Galleria Shopping Center,
LLC; Appellate Case No.: 2019-001744
Our matter: 2053065.1**

Dear Ms. Kitchings:

Enclosed for filing with the Court is the original and one copy of the Initial Brief of the Respondent; Designation of Matter to be Included in the Record on Appeal; and Proof of Service in regards to the above matter. Pursuant to the Proof of Service, copies of the aforementioned documents were served on counsel of record.

Please return a filed copy of the above stated documents in the enclosed self-addressed stamped envelope.

Very truly yours,

BURR & FORMAN LLP

s/James K. Gilliam

James K. Gilliam

JKG/ck

cc: Client
Robert B. Strickland, IV

Enclosures



BURR
FORMAN
MENAIR

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