

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Diane S. Goodstein  
Circuit Court Judge

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Appellate Case No. 2020-000162

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Pinnacle Bank, as successor in  
interest to Bank of North  
Carolina, previous successor  
in interest to Harbor National  
Bank, Plaintiff

v.

Anthony Whitfield and Cindy  
Whitfield, Defendants

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Anthony Whitfield,  
Counterclaimant

v.

David Swanson, Counterclaim  
Defendant

of whom

Anthony Whitfield is the Appellant and David Swanson is the Respondent.

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APPELLANT'S DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL

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Pursuant to Rule 209, SCACR, Appellant Anthony Whitfield designates the following material for

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inclusion in the record on appeal. Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to this appeal.

**Orders**

1. Order, filed November 8, 2017.
2. Order, filed on October 16, 2019.
3. Order Denying Defendant's Motion to Alter or Amend the Court's Order Entered, filed January 6, 2020.

**Pleadings**

4. Summons and Complaint, filed September 7, 2012.
5. Defendant's Answer, Affirmative Defenses and Counterclaims, filed April 1, 2013.
6. Defendant's Fourth Amended Answer, Affirmative Defenses, Crossclaim, and Counterclaims, filed November 12, 2015.
7. Defendant's Fifth Amended Answer, Affirmative Defenses, Crossclaim, and Counterclaims, filed January 8, 2016.
8. Plaintiff's Reply to Fifth Amended Answer, Affirmative Defenses, Crossclaim, and Counterclaims, filed January 8, 2016
9. Third Party Defendant David Swanson's Answer to Defendant/Third Party Plaintiff's Fifth Amended Answer, Affirmative Defenses, Crossclaim, Counterclaims, and Third Party Complaint, filed February 18, 2016.

**Motions, Supporting Memoranda, and Other Filings**

10. Plaintiff's Memorandum in Support of Motion for Summary Judgment, filed September 15, 2015.
11. Defendant's Memorandum in Opposition to David Swanson's Motion for Summary Judgment,

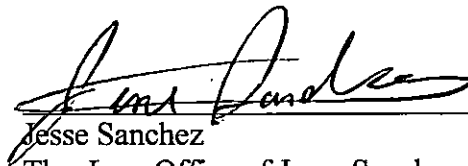
filed August 25, 2017.

12. David Swanson's Notice of Motion and Motion to Bifurcate Trial, Strike Jury Demand and Refer Bifurcated Trial to the Master in Equity, filed March 8, 2019.
13. Defendant Anthony Whitfield's Rule 52(b) Motion to Amend Findings and Rule 59(e) Motion to Alter or Amend Order on Motion to Bifurcate Trial, Strike Jury Trial Demand, and Refer Bifurcated Trial to the Master in Equity, filed October 18, 2019.
14. Stipulation of Voluntary Dismissal With Prejudice, filed June 9, 2020.

**Transcripts**

15. Transcript of Record (Motion to Bifurcate Trial, Strike Jury Demand and Refer Bifurcated Trial to the Master in Equity), dated October 7, 2019.
16. Transcript of Deposition of David Swanson, dated May 13, 2014.
17. Transcript of Deposition of David Swanson, dated April 18, 2017.
18. Transcript of Deposition of Scott Warren, dated March 24, 2015.

Respectfully submitted,



Jesse Sanchez  
The Law Office of Jesse Sanchez, LLC  
98 ½ Broad Street, Suit B  
Charleston, South Carolina 29401  
(843) 814-8181

**Attorneys for Appellant**

June 15, 2020  
Charleston, South Carolina

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of whom

Anthony Whitfield is the Appellant and David Swanson is the Respondent.

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**PROOF OF SERVICE**

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I, the undersigned, certify that I have served *Appellant's Initial Brief* and *Designation of*

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*Matter to be Included in the Record on Appeal* on Respondent David Swanson, by depositing a copy of the same in the United States Mail, Postage prepaid, on June 15, 2020, addressed to his counsel of record at as follows:

David W. Overstreet, Esquire  
Michael B. McCall, Esquire  
Steven R. Kropski, Esquire  
EARHART OVERSTREET, LLC  
P.O. BOX 22528  
Charleston, SC 29413

THE LAW OFFICE OF JESSE SANCHEZ, LLC



Jesse Sanchez (SC Bar No. 101906)  
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(843) 814-8181 Telephone  
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**Attorney for Appellant**

Charleston, South Carolina  
June 15, 2020

June 15, 2020

VIA FIRST CLASS US MAIL

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

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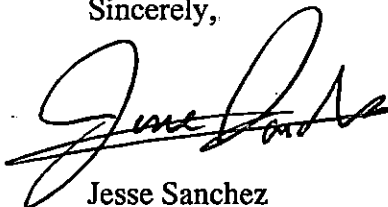
RE: Pinnacle Bank, as successor in interest to Bank of North Carolina, previous successor in interest to Harbor National Bank, Plaintiff, v. Anthony Whitfield and Cindy Whitfield, Defendants. AND Anthony Whitfield, Counterclaimant, v. David Swanson, Counterclaim Defendant, Of whom, Anthony Whitfield is the Appellant and David Swanson is the Respondent. Appellate Case No. 2020-000162.

Dear Ms. Kitchings:

Enclosed herewith please find *Appellant's Initial Brief, Designation of Matter to be Included in the Record on Appeal*, and the corresponding *Proof of Service*.

Thank you for your assistance with this matter. Should you have any questions or wish to discuss this matter, please do not hesitate to contact me directly.

Sincerely,



Jesse Sanchez

Enclosures (as stated)

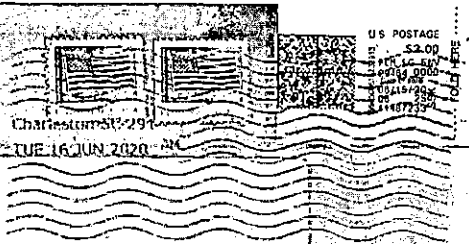
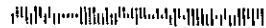
Cc

Daniel S. Slotchiver, Esquire  
Andrew J. McCumber, Esquire  
Brent S. Halversen, Esquire  
David W. Overstreet, Esquire  
Michael B. McCall, Esquire  
Steven R. Kropski, Esquire

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The Hon. Jenny Abbott Kitchings  
 Clerk, South Carolina Court of Appeals  
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 Columbia, SC 29211

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