

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Richland County  
Court of Common Pleas

Robert E. Hood, Circuit Judge  
G. Thomas Cooper, Jr., Circuit Judge

Case No. 2017-CP-40-06433  
Appeal No. 2020-000218

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RECEIVED

Jun 22 2020

SC Court of Appeals

PTA-FLA, Inc,

Appellant-Respondent,

v.

TW Telecom Holdings, Inc., a Delaware  
corporation; and DOES 1-10, inclusive,

Respondent-Appellant.

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**DESIGNATIONS OF MATTERS TO BE INCLUDED  
IN THE RECORD ON APPEAL ON BEHALF OF  
RESPONDENT-APPELLANT TW TELECOM HOLDINGS, INC.**

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Pursuant to Rule 209, SCACR, Respondent-Appellant designates the following items for  
inclusion in the Record on Appeal:

***Matters from Civil Action No. 2015-CP-40-01394***

1. Circuit Court docket/public index for 2015CP4001394
2. Summons and Complaint, filed 3/3/15
3. Motion to seal complaint, filed 3/3/15
4. Certificate of service by certified mail, filed 3/20/15
5. Form 4 Order – “no show by either party”, filed 4/22/15
6. Motion for entry of default, filed 5/1/15
7. Affidavit of default, filed 5/1/15
8. Entry of Default, filed 5/6/15
9. Answer of TW Telecom, filed 5/11/15
10. Motion to Set Aside Entry of Default and For Late Answer, filed 5/12/15
11. Affidavit of Ryan McManis, filed 5/11/15
12. Affidavit of H. Cooper Wilson, filed 6/24/15
13. MIS of Motion to Set Aside Entry of Default, filed 6/24/15

14. Order denying Rule 55(c) motion, filed 7/16/15
15. Motion to Reconsider, filed 8/4/15
16. MIS of motion to Reconsider, filed 8/4/15
17. Order denying reconsideration, filed 8/26/15
18. Stipulation of Dismissal, filed 4/1/16
19. Form 4 (re Stipulation), filed 4/7/16
20. Motion to Restore case, filed 4/6/17
21. Defendant's Opposition to Motion to Restore, filed 4/18/17
22. Motion for Summary Judgment, filed 4/14/17
23. MIS Motion for Summary Judgment, filed 4/14/17
24. Order denying Motion for Summary Judgment, filed 10/5/17
25. Order granting motion to restore, filed 10/5/17
26. Transcript – Rule 55(c) Motion Hearing, 6/24/15
27. Transcript - Rule 40(j) Motion Hearing, 9/6/17

***Matters from Civil Action No. 2017-CP-40-06433***

1. Transcript - Damages Trial, 1/31/19
2. Transcript - Damages Trial (resumed), 12/3/19
3. Trial Exhibits (1/31/19) – Plaintiff's Exhibit 2.
4. Order/Judgment, filed 1/13/20

***Matters from Appeal No. 2020-000218***

1. Plaintiff's Notice of Appeal, served 2/11/20
2. Defendant's Notice of Cross Appeal, served 2/17/20
3. Court of Appeals' order of dismissal of cross appeal, 2/25/20
4. Defendant's Petition for Rehearing, filed 2/28/20
5. Court of Appeals' order reinstating cross appeal, dated 5/22/20.

The undersigned certifies that this Designation contains no material which is irrelevant to the appeal.

HOOD LAW FIRM, LLC

**/s/ Robert H. Hood, Jr.**

Robert H. Hood, Jr. (SC #13491)

John O. Radeck, Jr. (SC #77849)

Deborah H. Sheffield, *Of Counsel* (SC #2757)

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**Attorneys for the Respondent-Appellant**

**TW Telecom Holdings, Inc.**

**June 22, 2020**

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 22nd day of June, 2020, the **Initial Appellant's Brief on behalf of Respondent-Appellant TW Telecom Holdings, Inc.** together with its **Designation of Matter to be Included in the Record Appeal** and a **Motion to Allow Late Filing**, were served by depositing copies in the U.S. Mail, with sufficient first class postage, on Counsel for the Appellant-Respondent at the address listed below:

Joshua E. Austin, S.C.# 101664  
Post Office Box 8839  
Columbia, South Carolina 29202

HOOD LAW FIRM, LLC

/s/ Robert H. Hood, Jr.

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TW Telecom Holdings, Inc.**



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June 22, 2020

**RECEIVED**  
**Jun 22 2020**  
**SC Court of Appeals**

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

Re: PTA-FLA, Inc. v. TW Telecom Holdings, Inc., a Delaware corporation; and DOES 1-10, inclusive  
C/A No. 2017-CP-40-06433, Richland CP  
Appellate Case No. 2020-000218  
HLF File No. 576.000

Dear Ms. Kitchings:

We are in receipt of the correspondence from the Court dated June 18, 2020, regarding the initial appellant's brief in connection with the cross appeal by the Respondent-Appellant TW Telecom Holdings. When this Court issued an order on May 22, 2020 reinstating the cross appeal, there was no direction regarding a due date for our brief so we calculated and diaried for the initial brief and designation to be due within 30 days per Rules 208(a) and 209, SCACR -- Monday, June 22, 2020. In accordance with our calculations, we are this day serving and filing our initial appellant's brief and designations in connection with our cross appeal. To the extent that the Court has determined that the time for filing already has expired, we also are submitting a motion requesting permission to serve and file the brief out of time as directed by the letter of June 18th. Also enclosed is our certificate of service evidencing service on same on Counsel for the Appellant-Respondent and a check for the \$50.00 motion filing fee.

Kind regards,

Yours truly,

*/s/ Robert H. Hood, Jr.*

Robert H. Hood, Jr.

RHHjr./mde

Enclosure

cc: Joshua E. Austin, Esquire