

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Case No. 2020-000551

RECEIVED
Sep 14 2020
SC Court of Appeals

CRAIG CHAPPELL, on behalf of himself and others similarly situated,
Appellant,

v.

Ladles Soups – James Island LLC; Ladlessoups, LLC; Ladles Soups At Cane Bay LLC; Ladles Soups At Citadel Mall LLP; Ladles Soups Calhoun LLC; Ladles Soups Cane Bay LLC; Ladles Soups Coosaw LLC; Ladles Soups Downtown Charleston, LLC; Ladlessoups Fresh Fields, LLC; Ladles Soups @ Freshfields Village, LLC; Ladlesoups Mainstreet, LLC; Ladles Soups Moncks Corner LLC; Ladlessoups Mount Pleasant, LLC; Ladles Franchise Development, LLC; Ladles Franchising Inc.; Ladles Fort Mill, LLC; Ladles Knightsville LLC; Ladles West Ashley; Teri Owens; Sue Allen, Tracy Allen, Steve Traeger, Erik Dyke, Julie Dyke, Stan Sutton, Carol Sutton, Jason Dalter, Kellie Henderson; Jane Doe 1-25 (Unknown Operating Company and Management Company Owners); John Doe 25-40 (Management Personnel),

Of Which Ladles Soups Coosaw LLC, Ladles Soups Downtown Charleston, LLC, Traeger Unlimited dba Ladlessoups Fresh Fields, LLC, Ladles Soups @ Freshfields Village, LLC, Ladles Soups Moncks Corner LLC, Ladles Franchise Development, LLC, Ladles Fort Mill, LLC, Ladles Knightsville LLC, Ladles West Ashley, Steve Traeger, Stan Sutton, Carol Sutton, and Kellie Henderson are the Respondents.

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

Orders

1. Order denying Appellant's Motion to Reconsider (February 25, 2020)
2. Order granting Respondents' Summary Judgment (February 11, 2020)
3. Order granting Ladles Franchising, Inc., Sue Allen, and Tracy Allen Summary Judgment (January 30, 2020)

4. Order granting Appellant's Motion to Compel (denying other motions including Motion to Deem Requests Admitted)(January 7, 2020)
5. Order denying Defendants' Motion to Reconsider (March 6, 2019)
6. Order denying Defendants' Motion to Dismiss Improper Parties (January 29, 2019)
7. Order denying Defendants' Motion to Disallow Class Certification (January 29, 2019)

Pleadings

8. Complaint (February 14, 2018)
9. Answer – Ladles Fort Mill (July 18, 2018)
10. Answer – Ladles Freshfields; Ladles Downtown; Ladles Franchise Development; Dan Sutton; Carol Sutton (July 18, 2018)
11. Answer – Ladles Moncks Corner; Ladles Knightsville (July 18, 2018)
12. Answer – Steven Traeger; Traeger Unlimited d/b/a Ladlessoups Fresh Fields; Ladles Franchise Development (July 18, 2018)
13. Answer – Ladles West Ashley (July 18, 2018)
14. Answer – Ladles Coosaw; Kelli Henderson (July 26, 2018)

Motions, Supporting Memoranda, & Other Filings and Materials

15. Defendants' Motion to Disallow Class Certification (July 24, 2018)
16. Defendants' Motion to Dismiss Improper Parties (July 24, 2018)
17. Plaintiff's Memorandum in Opposition to Motion to Disallow Class Certification (November 26, 2018)
18. Plaintiff's Interrogatories (May 24, 2019)
19. Plaintiff's Requests for Production (May 24, 2019)
20. Defendants' Motion for Summary Judgment (August 21, 2019)
21. Ladles Franchising Answers to Interrogatories (August 21, 2019)
22. Plaintiff's Motion to Compel (August 22, 2019)
23. Plaintiff's Motion to Intervene (August 22, 2019)
24. Affidavit of Lani Charpia (August 22, 2019)
25. Plaintiff's Requests to Admit and correspondence (August 23, 2019)
26. Notices of Deposition of Respondents (September 3, 2019)
27. Plaintiff's Motion for Class Certification (September 11, 2020)
28. Ladles West Ashley Answers to Interrogatories (September 13, 2019)
29. Ladles West Ashley Responses to Requests for Production (September 13, 2019)
30. Plaintiff's Motion for Status Conference and Scheduling Order (October 22, 2019)
31. Ladles Coosaw and Kelli Henderson Answers to Interrogatories (November 1, 2019)
32. Ladles Coosaw and Kelli Henderson Responses to Requests for Production (November 1, 2019)
33. Plaintiff's Motion to Deem Requests for Admission Admitted and Exhibits (December 23, 2019)
34. Plaintiff's Memorandum in Opposition to Motion for Summary Judgment and Exhibits (December 31, 2019)
35. Ladles Fort Mill Answers to Interrogatories (December 31, 2019)
36. Ladles Fort Mill Responses to Requests for Production (December 31, 2019)
37. Ladles Moncks Corner and Ladles Knightsville Answers to Interrogatories (December 31, 2019)

38. Ladles Moncks Corner and Ladles Knightsville Responses to Requests for Production (December 31, 2019)
39. Dan Sutton and Carol Sutton Answers to Interrogatories (December 31, 2019)
40. Dan Sutton and Carol Sutton Responses to Requests for Production (December 31, 2019)
41. Steven Traeger; Traeger Unlimited d/b/a Ladles Soups Freshfields; Ladles Franchise Development Answers to Interrogatories (December 31, 2019)
42. Steven Traeger; Traeger Unlimited d/b/a Ladles Soups Freshfields; Ladles Franchise Development Responses to Requests for Production (December 31, 2019)
43. Responses to Requests to Admit (January 6, 2020)1
44. Plaintiff's Motion to Reconsider January 7, 2020 Order (January 17, 2020)
45. Responses to Requests to Admit (January 22, 2020)
46. Plaintiff's Motion to Reconsider February 11, 2020 Order (February 21, 2020)
47. Ladles Franchise Agreement
48. Ladles co-founder, Sue Allen, YouTube (2012),
<https://www.youtube.com/watch?v=UoO8ua34ZnM> video at 5:18).

Transcripts

49. Craig Chappell Deposition Transcript (p. 19, ll. 14-24; p. 129, ll. 18-25; p. 130, ll. 1-9; p. 21, ll. 20-25; p. 22, ll. 1-2; p. 45, ll. 8-11) (May 14, 2019)
50. Terri Owens Deposition Transcript (p. 25, ll. 10-25; p. 27, ll. 1-18; p. 35 ll. 2-10) (September 13, 2019)
51. Cory Paul Deposition Transcript (p. 12, ll. 18-21; p. 32, ll. 1-16; p. 37, ll. 3-5; p. 66, ll. 1-11) (September 13, 2019)
52. Sue Allen Deposition Transcript (p. 13, ll. 9-13; p. 21, ll. 6-25; p. 22, ll. 1-2; p. 32, ll. 12-22; p. 34, ll. 14-21; p. 43, ll. 19-23; p. 44, ll. 18-25; p. 45, ll. 1-5; p. 81, ll. 5-25; p. 82, ll. 1-3) (September 18, 2019)
53. Hearing Transcript (January 6, 2020)
54. Hearing Transcript (January 9, 2020)

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

September 14, 2020

s/David D. Ashley
Ben Le Clercq (S.C. Bar # 65754)
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PROOF OF SERVICE FOR DESIGNATION OF MATTER TO BE INCLUDED IN THE
RECORD ON APPEAL

I, David Ashley, certify that pursuant to Rules 209(a) and 262(b), *SCACR*, I have served *Appellant's Designation of Matter to be Included in the Record on Appeal* on Ladles Soups Coosaw LLC, Ladles Soups Downtown Charleston, LLC, Traeger Unlimited dba Ladlessoups Fresh Fields, LLC, Ladles Soups @ Freshfields Village, LLC, Ladles Soups Moncks Corner LLC, Ladles Franchise Development, LLC, Ladles Fort Mill, LLC, Ladles Knightsville LLC, Ladles West Ashley, Steve Traeger, Stan Sutton, Carol Sutton, and Kellie Henderson, by e-mailing a copy to

their attorneys of record, Paul B. Ferrera, III at paul@ferraralawfirm.net and Janel Ferrara at janel@ferraralawfirm.net on September 14, 2020.

September 14, 2020

s/David D. Ashley
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Craig Chappell - Case No. 2020-000551

1 message

David Ashley <david@leclercqlaw.com> Mon, Sep 14, 2020 at 12:11 PM
To: Paul Ferrara III <paul@ferraralawfirm.net>, Janel Ferrara <janel@ferraralawfirm.net>, Debbie Mathews <Debbie@leclercqlaw.com>, Ben Le Clercq <ben@leclercqlaw.com>





Paul,
I hope you are well. Please see the attached Initial Brief and Designation of Matter for the Record on Appeal for the above-referenced case.

Respectfully,

David D. Ashley
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4 attachments

-  **2020 09 14 Initial Brief.pdf**
893K
-  **2020 09 14 Designation of Matter for the Record.pdf**
628K
-  **2020 09 14 Proof of Service - Initial Brief.pdf**
548K
-  **2020 09 14 Proof of Service - Designation of Matter for Record.pdf**
366K