

FORM 14
DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

J. Derham Cole, Judge

Case No. 2019-CP-42-02092
Appellate Case No. 2020-001110

RECEIVED

Sep 17 2020

SC Court of Appeals

Luther Harris, Donna Harris,
Bobby Leopard and Jerry White,

Appellants,

v.

Perry W. Barbour and Southland Transportation, Co.,

Respondents.

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

Appellants propose the following to be included in the Record on Appeal:

1. Summons and Complaint, dated June 7, 2019;
2. Letter Demand Package, dated June 7, 2019;
3. Email Correspondence between Attorney for Appellants and Sentry, June 7, 2019 to July 26, 2019;
4. Proof of Service to Southland Transportation Registered Agent, dated October 9, 2019;
5. Proof of Service to South Carolina Secretary of State, dated October 9, 2019;
6. Defendant Southland's Answer, dated November 8, 2019;
7. Defendant Southland's Motion to Dismiss, dated November 8, 2019;
8. Plaintiff's Reply in Opposition to Defendant Southland's Motion to Dismiss, dated November 26, 2019;
9. Order of Reference to Master-in-Equity, dated November 26, 2019;

10. Letter of SCDMV of Acceptance of Service for Defendant Barbour, dated October 25, 2019;
11. Defendant Perry Barbour's Notice of Motion and Motion to Dismiss, dated December 23, 2019;
12. Plaintiffs' Reply in Opposition to Defendant Barbour's Motion to Dismiss, dated January 7, 2020;
13. Defendant Barbour's Notice of Motion and Motion to Vacate Order of Reference to Master in Equity and Return Case to Spartanburg County Court of Common Pleas/ Circuit Court, dated January 8, 2020;
14. Motion for Entry of Default, January 8, 2020
15. Affidavit of Default, dated January 8, 2020;
16. Order/Form 4, dated January 17, 2020
17. Addendum to Plaintiffs' Reply in Opposition to Defendants' Motion to Dismiss, dated February 24, 2020;
18. Second Addendum to Plaintiffs' Reply in Opposition to Defendants' Motion to Dismiss, dated February 25, 2020;
19. Order/Form, dated March 10, 2020;
20. Plaintiffs' Motion to Reconsider Granting Defendants' Motion to Dismiss, dated March 20, 2020;
21. Brief in Opposition to Plaintiffs' Motion for Reconsideration, dated April 6, 2020;
22. Response to Defendants' Opposition to Plaintiffs' Motion for Reconsideration, dated April 10, 2020;
23. Plaintiffs' Memorandum in Support of their Motion for Reconsideration, dated May 6, 2020;
24. Supplement Brief in Opposition to Plaintiffs' Motion for Reconsideration, dated May 6, 2020;
25. Plaintiffs' Reply to Defendants' Supplemental Brief in Support of their Opposition to Plaintiffs' Motion for Reconsideration, dated May 7, 2020;
26. Order/Form 4, dated July 14, 2020;
27. Notice of Appeal, dated August 3, 2020; and,
28. Transcript of Hearing on Motion to Dismiss, conducted on February 28, 2020.

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

Anderson, South Carolina
Date: September 17, 2020

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Attorney for Appellants

**FORM 7
PROOF OF SERVICE**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

SC Court of Appeals

J. Derham Cole, Judge

Case No. 2019-CP-42-02092
Appellate Case No. 2020-001110

Luther Harris, Donna Harris,
Bobby Leopard and Jerry White,

Appellants,

v.

Perry W. Barbour and Southland Transportation, Co.,

Respondents.

PROOF OF SERVICE

Pursuant to Supreme Court of South Carolina's Amended Order 2020-05-29-02, I am filing a copy of the Initial Brief of Appellants and Designation of Matter to be Included on the Record on Appeal, upon the Honorable Jenny Abbott-Kitchings, Clerk of Court of South Carolina Court of Appeals through AIS system and serving a copy of the same upon Respondents, by and through Mr. David L. Moore, Esquire, by email through the following addresses:

Ms. Jenny Abbott-Kitchings
Mr. David L. Moore, Esquire

ctappfilings@sccourts.org
DMoore@turnerpadget.com

Anderson, South Carolina
September 17, 2020

s/Donald L. Smith
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Attorney for Appellant

FORM 8
LETTER TO THE APPEALS COURT CLERK
FILING REPORT OF STATUS OF TRANSCRIPT REQUEST

September 17, 2020

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

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Sep 17 2020
SC Court of Appeals

**RE: Luther Harris, Donna Harris and Bobby Leopard vs.
Perry Wendell Barbour and Southland Transportation Co.
C.A. No.: 2019-CP4202092
Appellate Case No. 2020-001110**

Dear Ms. Kitchings:

Please find enclosed the following documents for filing in the above-captioned appealed case:

1. Appellants' Motion for Leave to File Out of Time Initial Brief of Appellants and Designation of Matter to be Included on Record on Appeal;
2. Initial Brief of the Appellants;
3. Designation of Matter to be Included on Record on Appeal; and,
4. Proof of Service of same.

Sincerely,

s/Donald L. Smith
Donald L. Smith, (Bar No. 6699)
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cc:

Mr. David L. Moore, Jr., Esquire