

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
Hon. Maite D. Murphy, Circuit Court Judge

RECEIVED
Sep 23 2020
SC Court of Appeals

Case No. 2012-CP-18-01217

Innovative Waste Management
Inc.,

Respondent,

v.

Crest Energy Partners GP, Crest
Energy Partners LP, Dunhill
Products LP, Henry Wuertz,

Appellants.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

COMES NOW Respondent, through undersigned counsel, who hereby designates the following documents to be included in the Record on Appeal. Where applicable, exhibits to motions and memorandum have been listed individually unless such exhibits have been previously designated. It is Respondent's intention to designate all exhibits and attachments to all filed motions and memorandum. Respondent's Initial Brief references the Record on Appeal by referring to the below documents in the following format RA[#]. For example, RA1 refers to the March 15, 2015 Consent Order. The dates for each order refer to the date that the order was entered into and represent the effective date of such order. The Respondent proposes the following be included in the Record on Appeal:

1. March 15, 2013 Consent Order on Plaintiff's First Motion to Compel
2. June 3, 2013 Order on Plaintiffs Amended Motion to Compel
3. September 27, 2013 Order on Plaintiff's Second Motion to Compel and Defendants' Motion for Protective Order
4. December 3, 2013 Consent Confidentiality Order
5. March 10, 2014 Form 4 Order Designating Case Complex Case
6. April 6, 2015 Consent Order on Defendants Subpoena to Regions Bank
7. April 6, 2015 Order Denying Defendants Motion to Quash
8. June 12, 2019 Order on Plaintiff's Third Motion to Compel
9. August 1, 2019 Order on Defendant's Motion to Amend Order of June 12, 2019
10. October 1, 2019 Order Granting Motion for Sanctions
11. Second Amended Complaint (March 10, 2014)
12. Answer to Second Amended Complaint / Counterclaims (April 4, 2014)
13. Reply to Crest Energy Partners Counterclaims (May 7, 2014)
14. Transcript of Hearing (April 1, 2013) – Judge Dickson
15. Transcript of Hearing (June 5, 2019) – Judge Murphy
16. Transcript of Hearing (September 23, 2019) – Judge Murphy
17. January 31, 2013 Plaintiff's First Motion to Compel
18. Exhibit A to July 31, 2013 Plaintiff's First Motion to Compel | *Plaintiff's Requests to Produce to Defendant Bridge, Girardeau, Wuertz, Crest Energy Partners*
19. Exhibit B to July 31, 2013 Plaintiff's First Motion to Compel | *Plaintiff's Interrogatories to Bridge, Wuertz, Crest Energy*
20. Exhibit C to July 31, 2013 Plaintiff's First Motion to Compel | *Jan. 25, 2013 Affidavit of Respondent's Counsel Wm. M. Gruenloh*
21. Exhibit D to July 31, 2013 Plaintiff's First Motion to Compel | *Nov. 15, 2012 Email fr Marvel re discovery responses*
22. Exhibit E to July 31, 2013 Plaintiff's First Motion to Compel | *Jan. 7, 2013 Ltr fr Gruenloh to Marvel re discovery, Jan. 28, 2013 Motion to Compel*
23. March 21, 2013 Defendants' Motion for Protective Order
24. March 23, 2013 Plaintiff's Amended Motion to Compel
25. Exhibit 2 to March 23, 2013 Amended Motion to Compel | *Jan, 25, 2013 Affidavit of Respondent's Counsel Wm. M. Gruenloh*
26. Exhibit 3 to March 23, 2013 Amended Motion to Compel | *March 12, 2013 Ltr fr Marvel re Consent Order and discovery motion*
27. Exhibit 4 to March 23, 2013 Amended Motion to Compel | *Consent Order on Pltfs Motion to Compel*
28. Exhibit 5 to March 23, 2013 Amended Motion to Compel
29. Exhibit 6 to March 23, 2013 Amended Motion to Compel | *March 19, 2013 Ltr fr Marvel to Court re Motion Protective Order*
30. Exhibit 7 to March 23, 2013 Amended Motion to Compel | *Feb. 2, 2012 Deposition of Rodney Bridge*
31. May 14, 2013 email from Marvel to Judge Dickson (Andrew C. Evans)
32. May 15, 2013 letter from Marvel to Gruenloh September 13, 2019 Motion for Sanctions
33. May 21, 2013 email from Evans to Marvel
34. May 23, 2013 email from Welch to all counsel

35. August 20, 2013 letter from Marvel to Judge Dickson
36. August 21, 2013 Motion for Protective Order
37. August 27, 2013 Second Motion to Compel
38. Exhibit A to August 27, 2013 Second Motion to Compel | *Defs Responses to Pltfs R4P Crest Energy and Dunhill, Bridge, Girardeau*
39. Exhibit D to August 27, 2013 Second Motion to Compel | *Pltfs First Supp Req to Crest and Dunhill, Girardeau, Bridge, Wuertz*
40. Exhibit E to August 27, 2013 Second Motion to Compel | *August 26, 2013 Affidavit of Respondent's Counsel Wm. Michael Gruenloh*
41. September 12, 2013 email from Chisum to Judge Goodstein with proposed Order
42. September 17, 2013 letter from Marvel to Judge Goodstein with proposed Order
43. December 5, 2014 Motion to Quash and for Protective Order
44. Exhibit A to December 5, 2104 Motion to Quash | AT&T Wireless Subpoena Nov. 18, 2014
45. Exhibit B to December 5, 2104 Motion to Quash | Margavio & Schmitt Subpoena Nov. 18, 2014
46. Exhibit C to December 5, 2104 Motion to Quash | Wells Fargo Subpoena Nov. 18, 2014
47. Rule 11 Certification (December 12, 2014)
48. Plaintiff's Memorandum in Opposition to Motion to Quash (April 6, 2015)
49. Attachment C to April 6, 2015 Memorandum in Opposition to Motion to Quash | *Personal Financial Statement Henry Wuertz*
50. Attachment D to April 6, 2015 Memorandum in Opposition to Motion to Quash | *Balance Sheet Crest Energy Partners*
51. May 3, 2015 letter from Gruenloh to Marvel
52. April 15, 2019 email correspondence with the court
53. May 15, 2019 Plaintiff's Third Motion to Compel
54. Exhibit 2 to May 15, 2019 Plaintiff's Third Motion to Compel | *Ltr Mar 27, 2019 Consent Order w Margavio Schitt and Wells Fargo Subpoenas*
55. Exhibit 3 to May 15, 2019 Plaintiff's Third Motion to Compel | *May 7, 2019 Ltr re conference w Judge Murphy*
56. June 5, 2019 letter from Marvel to Judge Murphy
57. June 25, 2019 Memorandum in Opposition to Third Motion to Compel
58. Exhibit 1 to June 25, 2019 Memorandum in Opposition to Third Motion to Compel | *TX Sec of State Page Crest, Dunhill*
59. Exhibit 2 to June 25, 2019 Memorandum in Opposition to Third Motion to Compel | *LA Motion to Quash Margavio & Schmitt subpoena*
60. Exhibit 6 to June 25, 2019 Memorandum in Opposition to Third Motion to Compel | *June 5, 2019 Ltr fr Marvel to Judge Murphy*
61. June 25, 2019 Motion to Alter or Amend
62. Exhibit 2 to June 25, 2019 Motion to Alter or Amend | *June 10, 2019 Order Motion to Quash Margavio & Schmitt Subpoena*
63. August 9, 2019 email Drazan to Court
64. August 29, 2019 email (without exhibits)
65. August 30, 2019 Letter to Judge Murphy
66. September 13, 2019 Motion for Sanctions

67. Exhibit 2 to September 13, 2019 Motion for Sanctions | *Aug 9, 2019 Email fr Marvel re recv order*
68. Exhibit 3 to September 13, 2019 Motion for Sanctions | *Aug. 30, 2019 Ltr fr Marvel to Judge Murphy Motion to Alter*
69. Exhibit 4 to September 13, 2019 Motion for Sanctions | *Aug. 30, 2019 Ltr fr Marvel re Notice of Appeal*
70. September 18, 2019 email from Marvel to Judge Murphy (Larson)
71. Dorchester County Court of Common Pleas Docket Sheet
72. May 1, 2014 Plaintiffs Motion to Quash and for Protective Order
73. May 15, 2019 Affidavit of Respondent's Counsel

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

/s/ Wm. Michael Gruenloh
Wm. Michael Gruenloh
Thomas F. Drazan
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Attorneys for the Respondent

September 23, 2020
Charleston, South Carolina

LETTER TO THE APPELATE COURT CLERK
FILING THE NOTICE OF APPEAL

September 23, 2020

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

RECEIVED
Sep 23 2020
SC Court of Appeals

RE: Innovative Waste Management Inc., Respondent, v. Crest Energy Partners GP, Crest Energy Partners LP, Dunhill Products LP, Henry Wuertz, Appellant, Case No. 2019-001719

Dear Ms. Kitchings:

Enclosed for filing is Respondent's Initial Brief and Designation of Matter on Appeal.

Thank you and please let us know if you have any questions.

Sincerely,
/s/ Wm. M. Gruenloh
Wm. Michael Gruenloh
Thomas F. Drazan
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(843) 577-0027
Attorney for the Respondent

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