

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

Michael G. Nettles, Circuit Court Judge

Case No. 2020-001027

RECEIVED

Oct 26 2020

SC Court of Appeals

JOHN MICHAEL TIMMONS, JR., d/b/a TAVERN ON THE LOOP, Appellant/Respondent,

v.

FIRST RELIANCE BANK, INC.; THE BLANTON COMPANY, INC.;
JBJR ENTERPRISES, INC. d/b/a THE BLANTON COMPANY, INC.;
WW PLASMA II, LLC; DALE PORTER; F.R. SAUNDERS, JR.;
HUNTER WILLIAMS; and JOSEPH B. BLANTON, individually, Defendants,

Of Which FIRST RELIANCE BANK, INC.; DALE PORTER;
F.R. SAUNDERS, JR. are the, Respondents,

And

WW PLASMA II, LLC and HUNTER WILLIAMS are the Respondents/Appellants.

APPELLANT'S 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 of June 23, 2020 granting Respondents' Motion for Summary Judgment
2. Order of July 21, 2020 denying Appellant's Motion for Reconsideration

Pleadings

3. Appellant's Complaint (January 29, 2018)
4. Respondents' Answer (April 2, 2018)

Motions, Supporting Memoranda, & Other Filings and Materials

5. Timmons Affidavit (October 25, 2019)
6. Blanton Answers to Requests to Admit (November 27, 2019)
7. Britt Campana Affidavit (December 9, 2019)
8. Respondent First Reliance Bank's Answers to Requests to Admit (December 12, 2019)
9. Respondent Dale Porter's Answers to Requests to Admit (December 12, 2019)
10. Respondent F. R. Saunders, Jr.'s Answers to Requests to Admit (December 12, 2019)
11. Appellant's Motion for Summary Judgment (February 11, 2020)
12. Respondents' Motion for Summary Judgment (May 6, 2020)
13. Appellant's Memo in Support of Motion for Summary Judgment with Exhibits (May 18, 2020)
14. Appellant's Supplemental Memorandum in Support of Motion for Summary Judgment and in Opposition to Motions for Summary Judgment by Blanton Defendants and Bank Defendants with Exhibits (June 8, 2020)
15. Appellant's Motion to Reconsider Order Granting Summary Judgment to Respondents with Exhibits (July 6, 2020)
16. Original Note (August 14, 2006)
17. Mortgage (August 14, 2006)
18. Sunshine House Lease (June 25, 2014)
19. Assignment of Rents (November 17, 2014)
20. Motion to Enforce Assignment of Rents (July 23, 2015)
21. Timmons Proposal to Blanton (August 17, 2015)
22. Timmons Commercial Lease (August 20, 2015)
23. Xavier Sams Lease (September 3, 2015)
24. Hearing Transcript on Motion to Enforce Assignment of Rents (September 30, 2015)
25. Order Enforcing Assignment of Rents (October 2, 2015)
26. Elite Laser Tag Proposal/Blanton Note re: Elite Laser Tag Proposal (October 5, 2015; October 8, 2015)

Transcripts

27. Timmons Deposition Transcript – (p. 43, l. 23 – p. 44, l. 2; p. 49, ll. 3-15; p. 55, ll. 7-23) (October 9, 2018)
28. Timmons Deposition Transcript Vol. II – (p. 54, l. 12 – p. 55, l. 11; p. 55, ll. 7-23) (August 20, 2019)
29. Joseph Blanton Deposition Transcript Vol. I (p. 21, ll. 13-22; p. 44, l. 21 – p. 45, l. 6; p. 62, ll. 14-24; p. 69, l. 10 – p. 71, l. 4; p. 83, ll. 9-11; p. 96, l. 3 – p. 97, l. 22; p. 100-103; p. 101, l. 24 - p. 102, l. 20; p. 102, l. 21 – p. 103, ll. 5-10; p. 110, ll. 17-21; p. 112, l. 6 – p. 113, l. 4; p. 123, ll. 1-19; p. 125 - p. 126; p. 138, ll. 16-21; p. 146, ll. 1-12; p. 146-148; p. 151, ll. 1-13; p. 157, ll. 9-15; p. 172, l. 24 – p. 173, l. 25; p. 173, ll. 9-25; p. 178, l. 23; p. 180, ll. 4-7; p. 181, ll. 3-9; p. 188, ll. 1-24; p. 195, ll. 4-25; p. 196, ll. 13-25; p. 197, ll. 1-2; p. 225, ll. 9-25; p.

- 226 – p. 227) (January 16, 2020)
30. Joseph Blanton Deposition Transcript Vol. II (p. 71, ll. 5-24) (January 22, 2020)
 31. Dale Porter Deposition Transcript (p. 56, l. 20-p. 57, l. 17; p. 101, l. 24 – p. 102, l. 2; p. 106, l. 7; p. 127, l. 6 – p. 128, l. 11; ll. 22-25; p. 128, ll. 1-3; p. 129, ll. 14-21; p. 139, ll. 1-13; 158, l. 17 – p. 159, l. 9; pp. 167-168; pp. 257-263; p. 293) (January 24, 2020)
 32. F.R. Saunders Deposition Transcript (p. 53, ll. 12-19; p. 61, ll. 13-15; p. 63, l. 20-p. 64, l. 9; p. 85, ll. 20-24) (February 12, 2020)
 33. Hearing Transcript (June 10, 2020)

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

October 26, 2020

/s/ Ben Le Clercq
Ben Le Clercq (S.C. Bar # 65754)
David D. Ashley (S.C. Bar #76206)
Le Clercq Law Firm
Ben@LeClercqLaw.com
David@LeClercqLaw.com
708 South Shelmore Blvd. #202
Mount Pleasant, SC 29464
Phone (843) 722-3523
Fax (843) 352-2977
Counsel for Appellant

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

Michael G. Nettles, Circuit Court Judge

RECEIVED

Oct 26 2020

SC Court of Appeals

Case No. 2020-001027

JOHN MICHAEL TIMMONS, JR., d/b/a TAVERN ON THE LOOP, Appellant/Respondent,

v.

FIRST RELIANCE BANK, INC.; THE BLANTON COMPANY, INC.;
JBJR ENTERPRISES, INC. d/b/a THE BLANTON COMPANY, INC.;
WW PLASMA II, LLC; DALE PORTER; F.R. SAUNDERS, JR.;
HUNTER WILLIAMS; and JOSEPH B. BLANTON, individually, Defendants,

Of Which FIRST RELIANCE BANK, INC.; DALE PORTER;
F.R. SAUNDERS, JR. are the, Respondents,

And

WW PLASMA II, LLC and HUNTER WILLIAMS are the Respondents/Appellants.

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

I, David Ashley, certify that I have served *Appellant's Designation of Matter to be Included in the Record on Appeal* on Respondents First Reliance Bank, Inc., Dale Porter, and F.R. Saunders, Jr. by e-mailing a copy to their attorney of record, D. Gary Lovell, Jr., at glovell@cskl.law and Lacey L. Houghton, at lhoughton@cskl.law on October 26, 2020.

October 26, 2020

s/David D. Ashley
Ben Le Clercq (S.C. Bar # 65754)
David D. Ashley (S.C. Bar #76206)
Le Clercq Law Firm

Ben@LeClercqLaw.com
David@LeClercqLaw.com
708 South Shelmore Blvd. #202
Mount Pleasant, SC 29464
Phone (843) 722-3523
Fax (843) 352-2977
Counsel for Appellant



David Ashley <david@leclercqlaw.com>

Timmons v. First Reliance Bank - Appeal - Case No. 2020-001027

1 message

David Ashley <david@leclercqlaw.com>

Mon, Oct 26, 2020 at 8:59 PM

To: "Lovell, Gary D." <glovell@cskl.law>, "Houghton, Lacey L." <lhoughton@cskl.law>, Ben Le Clercq <ben@leclercqlaw.com>, Debbie Mathews <Debbie@leclercqlaw.com>, "Travis, Sarah H." <STravis@cskl.law>

Please see the attached Initial Brief and Designation of Matter to be Included in the Record on Appeal for Appellant in the above-referenced matter. Also, please let us know if you would like paper copies.

Respectfully,

David D. Ashley
Le Clercq Law Firm
[708 South Shelmore Blvd., Suite 202](http://708SouthShelmoreBlvd.com)
Mount Pleasant, SC 29464
Tel: 843-722-3523
Fax: 843-352-2977
david@leclercqlaw.com
www.leclercqlaw.com

RECEIVED
Oct 26 2020
SC Court of Appeals

4 attachments

-  **2020 10 26 Appellant's Initial Brief.pdf**
867K
-  **2020 10 26 Appellant's Designation of Matter.pdf**
271K
-  **2020 10 26 Proof of Service of Initial Brief.pdf**
435K
-  **2020 10 26 Proof of Service of Designation of Matter.pdf**
431K