

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. 2020-000399

RECEIVED

Nov 18 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 Franchising Inc., Ladlesoups, LLC, Sue Allen, and Tracey Allen 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 granting Appellant's Motion to Compel (denying other motions)(January 7, 2020)
2. Order granting Ladles Mt. Pleasant Motion for Summary Judgment (January 7, 2020)
3. Order granting Respondents' Motion for Summary Judgment (January 30, 2020)

Pleadings

4. Complaint (February 14, 2018)
5. Answer (August 1, 2018)

Motions, Supporting Memoranda, & Other Filings and Materials

6. Defendants' Motion to Disallow Class Certification (July 24, 2018)
7. Plaintiff's Memorandum in Opposition to Motion to Disallow Class Certification (November 26, 2018)
8. Plaintiff's Interrogatories (May 24, 2019)
9. Plaintiff's Requests for Production (May 24, 2019)
10. Answers to Interrogatories (August 21, 2019)
11. Responses to Requests for Production (August 21, 2019)
12. Plaintiff's Motion to Compel (August 22, 2019)
13. Motion for Summary Judgment (August 26, 2019)
14. Plaintiff's Motion for Class Certification (September 11, 2019)
15. Plaintiff's Amended Motion to Compel (October 4, 2019)
16. Plaintiff's Motion for Status Conference and Scheduling Order (October 22, 2019)
17. Supplemental Memo in Support of Motion for Summary Judgment (October 25, 2019)
18. Plaintiff's Motion to Deem Requests for Admission Admitted (December 23, 2019)
19. Plaintiff's Memorandum in Opposition to Motion for Summary Judgment (December 31, 2019)
20. 1st Supplemental Responses to Plaintiff's Interrogatories (December 31, 2019)
21. 1st Supplemental Answers to Plaintiff's Requests for Production (December 31, 2019)
22. Reply to Plaintiff's Memo in Opposition to Motion for Summary Judgment (January 3, 2020)
23. 2nd Supplemental Responses to Plaintiff's Requests for Production (January 16, 2020)
24. Plaintiff's Motion to Reconsider Order granting Summary Judgment (February 7, 2020)
25. Franchise Agreement
26. Ladles co-founder, Sue Allen, YouTube (2012),
<https://www.youtube.com/watch?v=UoO8ua34ZnM> video at 5:18).

Transcripts

27. Craig Chappell Deposition Transcript (Depo. of Craig Chappell at p. 19, ll. 14-24; p. 129, ll. 18-25 and p. 130, ll. 1-9) (May 14, 2019)
28. Terri Owens Deposition Transcript (p. 25, ll. 10-25; p. 27, ll. 1-18; p. 33, ll. 14-17; p. 48, l. 23 – p. 49, l. 17;) (September 13, 2019)
29. Cory Paul Deposition Transcript (p. 32, ll. 1-16; p. 36, l. 20 – p. 37, l. 5; p. 37, ll. 3-5; p. 45, ll. 2-9; p. 47, l. 16 – p. 49, l. 3; p. 66, ll. 1-11; p. 74, l. 5-13; p. 89-91) (September 13, 2019)
30. Julie Dyke Deposition Transcript (p. 9., ll. 13-25; pp. 10-13; p. 20, ll. 4-24; p. 24, ll. 23-25; p. 25, ll. 1-2; p. 27, ll. 11-25; p. 28, ll. 1-7) (September 18, 2019)
31. Sue Allen Deposition Transcript (p. 21, ll. 6-25; p. 22, ll. 1-2; p. 33 at ll. 22-25; p. 34 at l. 1 and ll. 14-21; and p. 35 at ll. 6-13; p. 69, ll. 4-8;) (September 18, 2019)
32. Hearing Transcript (January 6, 2020)
33. Hearing Transcript (October 29, 2019)

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

November 18, 2020

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

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Of which Ladles Franchising Inc., Ladlesoups, LLC, Sue Allen, and Tracy Allen are the Respondents.

PROOF OF SERVICE FOR DESIGNATION OF MATTER TO BE INCLUDED IN THE
RECORD ON APPEAL

I, David Ashley, certify that I have served *Designation of Matter to be Included in the Record on Appeal* on Ladles Franchising Inc., Ladlesoups, LLC, Sue Allen, and Tracy Allen by e-mailing a copy to their attorneys of record, Kerry W. Koon at kerrykoon@hotmail.com and M. Evan Lacke at elacke@lackelawfirm.com on November 18, 2020.

November 18, 2020

s/David D. Ashley
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Craig Chappell Appeal - Case No. 2020-000399 - Appellant's Reply Brief and Designation of Matter

1 message

David Ashley <david@leclercqlaw.com>

Wed, Nov 18, 2020 at 4:56 PM

To: Kerry Koon <kerrykoon@hotmail.com>, "M. Evan Lacke" <elacke@lackelawfirm.com>, Ben Le Clercq <ben@leclercqlaw.com>, Debbie Mathews <Debbie@leclercqlaw.com>

Kerry and Evan, I hope you both are doing well. Please see the attached Reply Brief of Appellant and Designation of Matter to be included in the record. Please let me know if you would like a hard copy.

Respectfully,

David D. Ashley
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4 attachments

 **2020 11 18 Appellant's Reply Brief.pdf**
735K

 **2020 11 18 Designation of Matter to be included in Recond on Appeal.pdf**
626K

 **2020 11 18 Proof of Service - Reply Brief.pdf**
545K

 **2020 11 18 Proof of Service - Designation of Matter for Record on Appeal.pdf**
546K