

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Nov 23 2020

SC Court of Appeals

APPEAL FROM GREENWOOD COUNTY

Greenwood County Court of Common Pleas

Hon. Donald B. Hocker, Circuit Court Judge, Presiding

Appellate Case No. 2020-000917
Trial Court Case No. 2017-CP-24-01343

Karen Petit..... Appellant,

v.

Phyllis Jean Krohn, USAA Federal Savings Bank, and
USAA Investment Management Co.,..... Respondents.

**RESPONDENTS USAA FEDERAL SAVINGS BANK
AND USAA INVESTMENT MANAGEMENT CO.’S DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

The Respondents USAA Federal Savings Bank AND USAA Investment Management Co. (“USAA Defendants”) propose that the following be included in the Record on Appeal. The Undersigned Counsel certifies pursuant to Rule 209(c), SCACR, that these designations contain no matter irrelevant to the appeal.

- (1) Order Granting Summary Judgment of USAA Defendants entered January 15, 2020;
- (2) Order Denying Karen Petit’s Motion for Reconsideration entered May 20, 2020;
- (3) Answer of USAA Defendants filed January 29, 2018;

- (4) Motion for Summary Judgment of USAA Defendants filed May 2, 2019;
- (5) Memorandum in Support of USAA Defendants' Motion for Summary Judgment filed August 7, 2019;
- (6) Traditional IRA Account Form, Exhibit A to the Memorandum in Support of USAA Defendants' Motion for Summary Judgment;
- (7) Transfer Request Form, Exhibit B to the Memorandum in Support of USAA Defendants' Motion for Summary Judgment;
- (8) January 15, 2007 Designation of Beneficiary Form, Exhibit C to the Memorandum in Support of USAA Defendants' Motion for Summary Judgment;
- (9) January 26, 2009 USAA Power of Attorney, Exhibit D to the Memorandum in Support of USAA Defendants' Motion for Summary Judgment;
- (10) Pages 51-53, 57-58, 90, 96, 106, 116-117, 151, 156-157, and 164-167 of the deposition of Karen Petit, Exhibit E to the Memorandum in Support of USAA Defendants' Motion for Summary Judgment;
- (11) Pages 16, 51-52, 59-60, and 76 of the deposition of Phyllis Jean Krohn, F to the Memorandum in Support of USAA Defendants' Motion for Summary Judgment;
- (12) November 9, 2010 Power of Attorney, Exhibit G to the Memorandum in Support of USAA Defendants' Motion for Summary Judgment;
- (13) USAA Defendant's Response to Plaintiff's Second Set of Discovery Requests, Exhibit H to the Memorandum in Support of USAA Defendants' Motion for Summary Judgment;
- (14) January 23, 2012 Designation of Beneficiary, Exhibit I to the Memorandum in Support of USAA Defendants' Motion for Summary Judgment;
- (15) February 27, 2012 Power of Attorney, Exhibit J to the Memorandum in Support of USAA Defendants' Motion for Summary Judgment;
- (16) Order Appointing Co-Guardians *In the Matter of Edward L. Petit*, 2013-GC-24-17 (2013), Exhibit K to the Memorandum in Support of USAA Defendants' Motion for Summary Judgment;
- (17) USAA Defendants' Memorandum in Opposition to Karen Petit's Motion for Reconsideration filed February 3, 2020;
- (18) September 26, 2019 Email from Ms. Merrill, Exhibit A to USAA Defendants' Memorandum in Opposition to Karen Petit's Motion for Reconsideration; and

(19) September 4, 2019 Hearing Transcript.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: _____

William S. Brown
SC Bar No. 064164
E-Mail: william.brown@nelsonmullins.com
Jacob D. Taylor
SC Bar No. 103722
E-Mail: jake.taylor@nelsonmullins.com
2. West Washington St.
Post Office Box 10084 (29603-0084)
Greenville, SC 29201
(864) 250-2300

*Attorneys for Respondents USAA Federal Savings Bank and
USAA Investment Management Co.*

Greenville, South Carolina
November 23, 2020

RECEIVED

Nov 23 2020

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Greenwood County Court of Common Pleas
Hon. Judge Donald B. Hocker, Family Court Judge, Presiding

Appellate Case No. 2020-000917
Trial Court Case No. 2017-CP-01343

Karen Petit..... Appellant,

v.

Phyllis Jean Krohn, USAA Federal Savings Bank, and
USAA Investment Management Co.,..... Respondent.

PROOF OF SERVICE

Undersigned counsel hereby certifies that counsel in this action has been served with a copy of the pleadings specified below to the following addresses by electronic mail:

Pleadings:

Initial Brief of Respondents USAA Federal Savings Bank and USAA Investment Management Co.

Respondents USAA Federal Savings Bank and USAA Investment Management Co.'s Designation of Matter to be Included in the Record on Appeal

Counsel Served:

Scarlet B. Moore, Esq.
P.O. Box 17615
Greenville, SC 29606
scarlet28@msn.com

Jane H. Merrill, Esq.
Hawthorne Merrill Law, LLC
P.O. Box 3363 (new address)
Greenwood, SC 29648
jane@hmlawsc.com

Josh Nasrollahi, Esq.
215 Park Avenue
Greenwood, SC 29646
josh@jsnasrollahi.com

A handwritten signature in blue ink, appearing to read "William S. Brown", written over a horizontal line.

*Attorney for USAA Federal Savings Bank, and USAA
Investment Management Co.*

November 23, 2020
Greenville, South Carolina

William Brown

From: William Brown
Sent: Monday, November 23, 2020 3:17 PM
To: josh@jsnasrollahi.com; scarlet28@msn.com; jane@hmlawsc.com
Cc: Jake Taylor
Subject: Karen Petit v. Phyllis Krohn et al. (2020-000917)
Attachments: USAA Defendants' Initial Brief.pdf; USAA Defendants' DOM.pdf

Counsel:

Pursuant to Rule 208(a)(2), SCACR, and section (g)(3) the Supreme Court's Order dated May 29, 2020, please find attached for service upon you (1) a copy of the Initial Brief of the USAA Respondents and (2) the USAA Respondents' Designation of Matter to be Included in the Record on Appeal. These documents will be filed with the Court of Appeals by electronic mail later today.

William



WILLIAM S. BROWN PARTNER
william.brown@nelsonmullins.com
GREENVILLE ONE | SUITE 400
2 W. WASHINGTON STREET | GREENVILLE, SC 29601
T 864.373.2297 F 864.373.2925
NELSONMULLINS.COM VCARD VIEW BIO

RECEIVED
Nov 23 2020
SC Court of Appeals

William S. Brown
T: (864) 373-2297 F: (864) 250-2283
william.brown@nelsonmullins.com

2 W. Washington Street, Suite 400
Greenville, SC 29601
T: 864.373.2300 F: 864.373.2925
nelsonmullins.com

November 23, 2020

VIA ELECTRONIC FILING

The Honorable Jenny Abbott Kitchings
Clerk of Court
The South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

RECEIVED
Nov 23 2020
SC Court of Appeals

RE: *Karen Petit v. Phyllis Krohn, USAA Federal Savings Bank, et al.*
C.A. No.: 2017-CP-24-01343
NMRS File No.: 000125.02237

Dear Ms. Kitchings:

Pursuant to Rule 208(a)(2), SCACR, and sections (c)(6), (d), (f), and (g) of the Supreme Court's Amended Order dated May 29, 2020, please find enclosed the Initial Brief of Respondents USAA Federal Savings Bank and USAA Investment Management Co., Respondents' Designation of Matter, and a Certificate of Service of same, all of which are submitted for electronic filing in the above-referenced matter. Pursuant to the aforementioned Supreme Court Amended Order, only a single copy of each PDF is being electronically filed, and no additional copies will be filed unless the Court requests otherwise.

We ask also that, at your convenience, you return a copy of the attached documents to us bearing the Court's file stamp. Should you have any questions pertaining to these filings, or if we can provide any other information, please do not hesitate to let us know.

Very truly yours,



William S. Brown

WSB:cs

November 23, 2020

Page 2

Enclosures

cc: Scarlett B. Moore, Esq.
Jane H. Merrill, Esq.
Josh Nasrollahi, Esq.