

STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2020-001258

TCJ Surfside, LLC and CDP Surfside, LLC Respondents

v.

MB Pizza, LLC, d/b/a Hungry Howie's Pizza
and Brian Edelen Appellants

**DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

Appellant proposes the following to be included in the Record on Appeal:

Orders

1. (Form 4) Order Granting Defendants' Motion to Set Aside Default dated April 23, 2019
2. (Formal) Order Granting Defendants' Motion to Set Aside Default, dated May 9, 2019 and filed May 10, 2019
3. (Form 4) Order Taking Under Advisement, dated December 3, 2019
4. Order Granting Plaintiffs' Motion for Summary Judgment dated May 13, 2020
5. Order Denying Motion to Alter or Amend dated August 17, 2020

Pleadings

6. Summons and Complaint filed on November 14, 2019
7. Plaintiffs' Motion for Entry of Default filed on December 21, 2019
8. Defendants' Motion to Set Aside Default filed on March 4, 2019
9. Defendants' Memorandum in Support of Motion to Set Aside Default filed on March 4, 2019 (with relevant Exhibits)
 - Affidavit of Brian Edelen dated March 4, 2019
 - Rule to Vacate or Show Cause (Eviction), October 4, 2018
 - Application for Ejectment, October 4, 2018
10. Answer filed on April 30, 2019
11. Plaintiffs' Motion for Summary Judgment filed October 11, 2019
12. Plaintiffs' Memorandum in Support of Motion for Summary Judgment filed November 27, 2019 (with relevant Exhibits)
 - Defendants' Response to Requests to Admit
 - Shopping Center Lease Between Columbia II Surfside Beach Commons, LLC (Landlord) and MB Pizza, LLC D/B/A Hungry Howie's Pizza (Tenant)
 - Absolute Unconditional Guaranty Agreement
 - Notice of Default, September 26, 2018
 - Writ of Ejectment
13. Defendants' Reply in Opposition to Motion for Summary Judgment filed December 3, 2019
14. Defendants' Supplemental Outline of Argument in Opposition to Plaintiffs' Motion for Partial Summary Judgment filed December 6, 2019 (with relevant Exhibit)
 - Affidavit of Kenneth Wells dated December 2, 2019
15. Defendants' Motion to Alter or Amend the Court's Order of May 13, 2020 Granting Plaintiffs' Motion for Summary Judgment filed May 26, 2020

Deposition Transcript Excerpts

16. Deposition of Brian Edelen 30(b)(6) MB Pizza, pp. 1-4, 29-32, 58
17. Deposition of Jennifer Yanakiev 30(b)(6) MB Pizza, pp. 1-4, 185-192

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

January 6, 2021

A handwritten signature in black ink, appearing to read "J. M. Leiter", written over a horizontal line.

John M. Leiter, Esquire
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