

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Feb 22 2021

SC Court of Appeals

Appeal from Charleston County
Charleston County Court of Common Pleas
Hon. Judge Bentley D. Price, Circuit Court Judge

Appellate Case No. 2020-001030

Maybank 2754, LLC.....Appellant,

Versus

Eugene Zurlo, Individually and as co-trustee of the Eugene J. Zurlo Living Trust Dated
December 11, 1997; 1776, LLC; Beach Fenwick, LLC; The Beach Company; Seamon,
Whiteside & Associates, Inc.; Penny Creek Associates, LLC; John Doe and Mary
Roe.....Respondents.

**DESIGNATION OF MATTER FOR THE
RECORD ON APPEAL**

The Appellant designates the following material for the Record on Appeal:

1. Transcript of June 16, 2020 hearing – Hon. Judge Bentley D. Price, and all exhibits
2. Transcript of June 25, 2020 hearing – Hon. Judge Bentley D. Price, and all exhibits
3. Transcript of August 17, 2020 hearing – Hon. Mikell R. Scarborough, and all exhibits
4. Transcript of August 24, 2020 hearing – Hon. Judge Bentley D. Price, and all exhibits
5. Transcript of November 5, 2020 hearing – Hon. Judge Bentley D. Price, and all exhibits
6. Plaintiff's Summons and Complaint (1/13/2020)
7. Plaintiff's Complaint Verification (1/13/2020)
8. Resolution of the Sole Shareholder of Penny Creek Associates, LLC
9. Beach Companies Motions to Dismiss
10. Beach Companies Motion to Refer to the Master-in-Equity
11. Seamon Whiteside Associates, Inc.'s motion to dismiss civil conspiracy
12. 1776, LLC's Motion to Dismiss
13. 1776's Motion to Refer to the Master-in-Equity
14. Zurlo Defendants' Motion to Refer to the Master-in-Equity
15. Maybank's Motion for Temporary Injunction
16. Order of Hon. Judge Bentley D. Price – June 30, 2020
17. Order of Hon. Judge Bentley D. Price – July 13, 2020
18. Maybank's Motion for Reconsideration of Order Entered June 30, 2020

19. Defendants' Joint Response to the Plaintiff's Motion for Reconsideration – July 8, 2020
20. Zurlo Defendants' Motion and Memorandum in Support of Summary Judgment – August 14, 2020
21. Zurlo Defendants' Supplemental Memorandum in Support of Motion for Summary Judgment – September 14, 2020
22. Order of Hon. Mikell R. Scarborough – August 18, 2020
23. Beach Companies Motion for Summary Judgment – August 19, 2020, and Memorandum of Law in Support of Motion for Summary Judgment – September 18, 2020
24. Seamon, Whiteside & Associates' Supplement to Motion to Dismiss and/or Motion for Summary Judgment – August 26, 2020
25. 1776, LLC's Motion for Summary Judgment – September 3, 2020, and Memorandum of September 21, 2020
26. Respondents' Joint Motion to Dismiss Appeal and for Costs and Memorandum in Support Thereof – September 15, 2020
27. Return of Appellant to Respondents' Motion to Dismiss Appeal and for Costs and Memorandum in Support Thereof – September 21, 2020
28. Order of Hon. Judge Bruce Williams – November 12, 2020
29. Maybank's Response in Opposition to the Defendants' Motion for Summary Judgment – September 17, 2020
30. Order of Hon. Judge Bentley D. Price – October 7, 2020
31. Order of Hon. Judge Bentley D. Price – October 8, 2020
32. Order of Hon. Judge Bentley D. Price – October 12, 2020
33. Maybank's Motion to Alter or Amend Order Entered on October 7, 2020, Order Entered on October 8, 2020, and Order Granting All Defendants Summary Judgment, Motion to Amend and/or Vacate Findings of Fact, Request for Ruling on Issues Raised, and Request for Expedited Ruling – October 16, 2020
34. Responses of Defendants to Maybank's Motion referenced in #33, above
35. Order of Hon. Judge Bentley D. Price – November 6, 2020
36. Affidavit of Michel F. Laplante – September 17, 2020
37. Motion by Beach Companies for Order of Reference to the Master – February 17, 2020
38. Answer and Amended Answer of Beach Co. – Feb. 17, 2020, March 16, 2020
39. Plaintiff's Responses to Defendant's Requests for Admission – March 10, 2020
40. Plaintiff's Motion for Temporary Injunction – March 11, 2020
41. Plaintiff's Response in Opposition to the Defendants' Motions to Dismiss for Failure to State a Cause of Action – April 6, 2020
42. Plaintiff's Amended Objection and Response in Opposition to the Defendants' Motions for Order of Reference to the Master-in-Equity – April 9, 2020
43. Plaintiff's First Set of Requests for Admissions to the Defendant Seamon, Whiteside & Associates – April 24, 2020
44. Plaintiff's Second Amended Objection and Response in Opposition to the Defendants' Motions for Order of Reference to the Master-in-Equity – May 15, 2020
45. Plaintiff's Notice of Filing Authority In Support of Its Objection to the Defendants', Motions for Order of Reference to the Master-In-Equity – June 12, 2020
46. Plaintiff's Response to Defendants' Second Request for Admissions – June 12, 2020
47. Plaintiff's Motion for Reconsideration of the Court's Order Entered on June 30, 2020 and Request for Expedited Ruling – July 1, 2020

48. Plaintiff's Objection to Status Conference before the Master-in-Equity Because of the Pending Appeal – August 10, 2020
49. Plaintiff's Request for Judicial Notice of Recorded Documents and City of Charleston Ordinances – August 24, 2020
50. Plaintiff's Motion to Amend Complaint – August 24, 2020
51. Plaintiff's Request for Judicial Notice of Recorded Document and Document Filed with the South Carolina Secretary of State – September 14 2020
- 52.

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

Respectfully Submitted,

s/Scarlet B. Moore

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Greenville, S.C.
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Appeal from Charleston County
Court of Common Pleas, Ninth Judicial Circuit
Hon. Judge Bentley D. Price, Circuit Court Judge, Presiding

2020-001030

Eugene J. Zurlo, Individually and as Co-Trustee of the Eugene J. Zurlo Living Trust Dated December 11, 1997; 1776, LLC; Beach Fenwick, LLC; The Beach Company; Seamon, Whiteside & Associates, Inc.; Penny Creek Associates, LLC; John Doe and Mary Roe.....Respondents,

Versus

Maybank 2754, LLC..... Appellant.

CERTIFICATE OF SERVICE

I certify that on this date, February 22, 2021, I have served the **Appellant’s Initial Brief, Designation of Matter for the Record on Appeal, and a Certificate of Service**, on opposing counsel to their respective e-mail addresses, pursuant to the Order of the Supreme Court Appellate Case No, 2020-000447(g)(3):

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Respectfully Submitted,

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VIA ONE DRIVE UPLOAD:

Jenny Abbott Kitchings
Clerk, The South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

**RE: Maybank 2754, LLC, Appellant vs. Eugene J. Zurlo, Individually and as
Co-Trustee of the Eugene J. Zurlo Living Trust dated December 11, 1997;
Beach Fenwick, LLC; The Beach Company;
Seamon, Whiteside & Associates, Inc.; Penny Creek Associates, LLC;
John Doe and Mary Roe, Respondents
Case Number: 2020-001030**

Dear Madam Clerk,

Enclosed please find the Appellant's Initial Brief, Designation of Matter for the Record on Appeal, and a Certificate of Service which is filed today.

If the Court requires further information, please do not hesitate to contact me.
With kind regards, I remain

Very Truly Yours,

s/Scarlet B. Moore

Scarlet B. Moore, Esq.
Counsel for Appellant

SBM/s

Enclosures

Cc: *via Email:*

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