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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
The Honorable Robert E. Hood, Circuit Court Judge

Appellate Case No. 2020-001708
Civil Action Case No. 2020-CP-40-03810

Penn America Insurance Company and Global Indemnity Group, Inc.,

Plaintiff/Counter-Defendants,

v.

Morris Beach Hutson a/k/a M.B. Hutson,

Defendant/Counter-Plaintiff,

AND

Morris Beach Hutson a/k/a M.B. Hutson,

Third-Party Plaintiff,

v.

Timothy J. Newton, Esq.; Murphy & Grantland, P.A.; Christian Stegmaier, Esq.;
and Collins & Lacy P.C.,

Third-Party Defendants.

of whom Morris Hutson is the Appellant,

and Penn America Insurance Company; Global Indemnity Group, LLC; Timothy J. Newton, Esq.; Murphy & Grantland, P.A.; Christian Stegmaier, Esq.; and Collins & Lacy P.C. are the Respondents.

**DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL BY
RESPONDENTS
TIMOTHY J. NEWTON AND MURPHY & GRANTLAND, P.A.**

In accordance with Rule 209 of the Appellate Court Rules, Respondents Timothy J. Newton and Murphy & Grantland, P.A. (collectively "Newton"), designate the following portions of the transcript, pleadings, orders, exhibits, or other materials, to be included in the Record on Appeal:

Orders/Decisions

1. Form 4 Order, entered Oct. 29, 2020.
2. Order Granting Newton, et al.'s Motion to Dismiss, entered Dec. 9, 2020.
3. Order Granting Penn America, et al.'s Motions to Strike, entered Dec. 9, 2020.
4. Order Denying Hutson's Motion for Temp. Injunction, entered Dec. 9, 2020.
5. Order Granting Penn America, et al.'s Motion for Temp. Injunction, entered Dec. 9, 2020.

Pleadings

6. Plaintiff's Summons & Complaint, filed Aug. 10, 2020 (20 pages).
7. Plaintiffs' Notice of Motion and Motion for Temporary Injunction, filed Aug. 10, 2020 (248 pages, including all exhibits to filing);
 - a. Exhibit A, Eviction Order, Mar. 21, 2014;
 - b. Exhibit B, Class Action Report & Recommendation, Apr. 5, 2016;
 - c. Exhibit C, Class Action Order Adopting R&R/Granting Summ. J., May 20, 2016;
 - d. Exhibit D, Class Action Order Granting Sanctions, Oct. 6, 2017;
 - e. Exhibit E, Defamation Action Order Granting Summ. J., Mar. 2, 2017;
 - f. Exhibit F, Coverage Action Settlement Agreement and Release, Sept. 16, 2016;
 - g. Exhibit G, Bad Faith Action Amended Complaint, Dec. 18, 2018;
 - h. Exhibit H, Order Granting Penn America, et al. Motion for Summ. J., July 18, 2019;
 - i. Exhibit I, Order Granting Newton/Murphy Motion to Dismiss/for Summ. J. July 18, 2019;
 - j. Exhibit J, Weissenstein Malpractice Action, Judge Curtis Order Granting Summary Judgment, Feb. 25, 2019;
 - k. Exhibit K, Burn Malpractice Action Order of Dismissal, April 10, 2019;
 - l. Exhibit L, Atlantic Coast Action Order of Dismissal, Apr. 11, 2019;
 - m. Exhibit M, Hutson E-mail, June 16, 2020;
 - n. Exhibit N, Hutson E-mail, June 21-22, 2020;
 - o. Exhibit O, Hutson E-mail, July 6, 2020;
 - p. Exhibit P, Hutson E-mail, July 8, 2020;
 - q. Exhibit Q, Hutson E-mail, July 16, 2020;

- r. Exhibit R, Hutson E-mail, July 18, 2020;
 - s. Exhibit S, Hutson E-mail, July 19, 2020;
 - t. Exhibit T, Hutson E-mail, July 17, 2020;
 - u. Exhibit U, Hutson E-mail, July 27, 2020; and
 - v. Exhibit V, Hutson E-mail, Aug. 8, 2020.
8. Hutson's Amended Cross Complaint and Motion for Temporary and Permanent Injunction, Aug. 26, 2020 (78 pages, including all exhibits to filing);
 - a. Ex. 1: Appellate Case No. 2019-1488, Hutson Reply Brief;
 - b. Ex. 2: Appellate Case No. 2019-1488, Hutson Response to Motion for Sanctions;
 - c. Ex. 3: E-mail from Newton to Hutson, dated Aug. 13, 2018; and
 - d. Ex. 4: Affidavit of Mark Hardee.
 9. Newton and Murphy & Grantland's Motion to Dismiss, or in the alternative, Motion for Summary Judgment, Sept. 15, 2020 (262 pages, including all exhibits to filing);
 - a. Exh. 1: Appellate Case No. 2019-1488, Newton/Murphy Initial Brief of Respondents, Apr. 2, 2020;
 - b. Exh. 2: Appellate Case No. 2019-1488, Newton/Murphy Mem. Opposing Emergency Motion, July 9, 2020;
 - c. Exh. 3: Appellate Case No. 2019-1488, Newton Reply Mem. in support of Motion to Strike, July 9, 2020;
 - d. Exh. 4: Hutson Counterclaims filed in Ejectment Action, Dec. 29, 2011;
 - e. Exh. 5: Hutson Counterclaims filed in Federal Class Action, Dec. 16, 2014;
 - f. Exh. 6: Counterclaims filed in the Defamation Action *pro se* on March 29, 2016;
 - g. Exh. 7: E-mail dated Nov. 11, 2010 re: Big Water lifetime membership info (cited in Magistrate Baker's Report and Recommendation);
 - h. Exh. 8: Excerpts from Susan Stroman deposition transcript; and
 - i. Exh. 9: Excerpts from TLC Rule 30(b)(6) deposition transcript.
 10. Penn America Ins. Co, et al.'s Motion to Stay/Strike/Dismiss Hutson's Amended Counterclaims and Third-Party Claims and Motion for Temp. and Permanent Injunction, filed Sept. 16, 2020 (10 pages) ("First Motion to Strike").
 11. Hutson's Memorandum to Defendant's Amended Cross Complaint, filed Sept. 16, 2020 (5 pages).
 12. Hutson's Notice of Extrinsic Fraud, filed Sept. 16, 2020 (3 pages).
 13. Hutson's Response to First Motion to Strike, filed Sept. 24, 2020 (30 pages).
 14. Hutson's Answer to Complaint, filed Sept. 25, 2020 (18 pages with attachment); and
 - a. Attachment: Sept. 16, 2020 Letter from Hutson to Stegmaier.

15. Penn America Ins. Co, et al.'s Motion to Strike Portions of Defendant's Answer, filed Sept. 28, 2020 (129 pages, including all exhibits to filing) ("Second Motion to Strike");
 - a. Exhibit A, Membership Agreement;
 - b. Exhibit B, Ejectment Complaint filed Dec. 14, 2011, Case No. 2011-CP-14-602;
 - c. Exhibit C, Judge Norton's Order Approving Settlement Class entered Feb. 1, 2016, CA No. 2:14-cv-01583-DCN;
 - d. Exhibit D, Ejectment Answer and Counterclaims filed Dec. 29, 2011, Case No. 2011-CP-14-602);
 - e. Exhibit E, Ejectment Settlement Agreement filed Apr. 13, 2012, Case No. 2011-CP-14-602);
 - f. Exhibit F, Ejectment Consent Order filed Apr. 13, 2012, Case No. 2011-CP-14-602;
 - g. Exhibit G, Judge James' Order entered Mar. 21, 2014, Case No. 2011-CP-14-602;
 - h. Exhibit H, Answer to Amended Complaint and Pro Se Counterclaims Back (accompanying exhibits not included), filed Dec. 16, 2016, Case No. 2015-CP-14-0615; and
 - i. Exhibit I, Judge Cothran's Order Granting Summ. Jmt, entered Mar. 2, 2017, Case No. 2015-CP-14-0615.
16. Penn America Ins. Co, et al.'s Amended Motion to Strike Hutson's "Notice of Extrinsic Fraud" and "Memorandum to Defendant's Amended Cross Complaint," filed Sept. 30, 2020 (52 pages, including all exhibits to filing) ("Third Motion to Strike");
 - a. Exhibit A, Answer to Amended Complaint and Pro Se Counterclaims Back (accompany exhibits not included), filed Dec. 16, 2016, Case No. 2015-CP-14-0615;
 - b. Exhibit B, Response by Defendant, filed Dec. 20, 2016, Case No. 2015-CP-14-0615; and
 - c. Exhibit C, Judge Cothran's Order Granting Summ. Jmt, entered Mar. 2, 2017, Case No. 2015-CP-14-0615.
17. Hutson's Addendum Response to Plaintiffs' First Motion to Strike, filed Oct. 1, 2020 (12 pages).
18. Hutson's Response to Plaintiffs' Second and Third Motions to Strike, filed Oct. 1, 2020 (34 pages).
19. Penn America Ins. Co, et al.'s Response to and Motion to Strike Hutson's (1) 9/24/2020 Response to Motion; (2) Hutson's 9/30/2020 Response to Motion; and (3) Hutson's 9/30/2020 Addendum Response to Motions, filed October 5, 2020 (10 pages).
20. Hutson's Supplemental Response to Plaintiff's Second and Third Motions to Strike, filed Oct. 8, 2020 (21 pages).
21. Newton and Murphy & Grantland's Memorandum in Support of Motion to Dismiss/Summary Judgment, filed Oct. 9, 2020 (71 pages, including all exhibits to filing);

- a. Exh. 10: Newton's Memorandum in Support of Dismissal/Summary Judgment in the Bad Faith Action;
 - b. Exh. 11: Newton's Reply Memorandum in Support of Dismissal/Summary Judgment in the Bad Faith Action;
 - c. Exh. 12: Newton's Amended Response to Hutson's Supplemental Memorandum in the Bad Faith action;
 - d. Exh. 13: Wilkerson E-mail dated Aug. 31, 2017;
 - e. Exh. 14: Hutson E-mail dated Sept. 22, 2017;
 - f. Exh. 15: Hutson E-mail dated Dec. 10, 2017 [filed separately on Oct. 12, 2020];
 - g. Copy of Newton Exh. W (from Bad Faith Action): Hutson's Memo. in Response to Motion for Summary Judgment in Federal Class Action, filed Mar. 14, 2016; and
 - h. Copy of Hutson's Exhibits 1.1-1.3 (from bad faith action): Retail Membership Agreements.
22. Hutson's Addendum of Law, filed Oct. 13, 2020 (11 pages).
23. Newton and Murphy & Grantland's Response to Hutson's Addendum of Law, filed Oct. 14, 2020 (234 pages, including all exhibits to filing);
- a. Exh. 16: Transcript of Hearing before Hon. Michael Nettles, June 26 2019;
 - b. Exh. 17: Affidavit of W. Mark Hardee with attachments;
 - c. Exh. 18: E-mails from Hutson to John Wilkerson and Thomas Harper, dated Aug. 27-28, 2018;
 - d. Exh. 19: E-mail from Hutson and attached draft Complaint, dated Oct. 29, 2018;
 - e. Exh. 20: E-mail chain between Hutson and John Wilkerson, dated Oct. 22, 2018;
 - f. Exh. 21: E-mail from Hutson to Newton, dated Nov. 1, 2018;
 - g. Exh. 22: E-mail from Hutson to Penn America, dated Nov. 6, 2018;
 - h. Copy of Newton Exh. V (from bad faith action): E-mail between Hutson and Newton; and
 - i. Copy of Hutson's Exh 7.0 (from bad faith action): Letter from Newton to Hutson, Nov. 8, 2018.
24. Hutson's Reply to Newton and Murphy & Grantland's Response to Hutson's Addendum of Law, filed Oct, 20, 2020 (6 pages).
25. Hutson's Questions and Requests for Judge Hood, filed Oct. 26, 2020 (2 pages).
26. Hutson letter filed in the trial court dated Jan. 21, 2021 (1 page).
27. Hutson Motion for Emergency Hearing, filed Jan. 28, 2021 (4 pages);
- a. Exh. A: E-mail chain between Hutson and DeAnne Varnadoe, the court reporter, dated Jan. 4, 2021 (10 pages);
 - b. Exh. B: unfiled pleading (Def's. Answers to Pl's. Fraudulent Complaint) (5 pages);

- c. Exh. C: E-mail from Hutson to Judge Hood dated Nov. 12, 2020 (2 pages).
28. Hutson “Ammended Motion for Emergency Hearing, filed Jan. 28, 2021 (4 pages);
- a. Exh. A: E-mail chain between Hutson and DeAnne Varnadoe, the court reporter, dated Jan. 4, 2021 (10 pages);
 - b. Exh. B: unfiled pleading (Def’s. Answers to Pl’s. Fraudulent Complaint) (5 pages);
 - c. Exh. C: E-mail from Hutson to Judge Hood dated Nov. 12, 2020 (2 pages).
29. Plaintiffs’ and Third-Party Defendants’ Response to Hutson’s Amended Mot. for Emergency Hearing, filed Jan. 28, 2021 (5 pages);
- a. Exh. A: Transcript of Record of hearing before Judge Hood held Oct. 15, 2020 (79 pages);
 - b. Exh. B: E-mail chain between Hutson and Christian Stegmaier dated Sept. 14, 2020 (3 pages);
 - c. Exh. C: E-mail from Hutson to Judge Hood dated Oct. 16, 2020 forwarding e-mail chain between Hutson and Athena Borer (4 pages);
 - d. Letter from Stegmaier to Hutson dated Jan. 28, 2021 forwarding a courtesy copy of the transcript of hearing (94 pages).
30. Defendant’s Resp. to “Plaintiffs’ and Third-Party Defendants / Motion for Emergency Hearing” filed Feb. 1, 2021 (19 pages).
31. “Defendant Revisits his Motion for an Amended Emergency Hearing” filed Feb. 9, 2021 (3 pages).
32. Third-Party Defendants Timothy J. Newton and Murphy & Grantland, P.A.’s Motion for Sanctions, filed Feb. 12, 2021 (3 pages);
33. Letter by Hutson filed Feb. 12, 2021 (1 page);
34. Third-Party Defendants Timothy J. Newton and Murphy & Grantland, P.A.’s Memorandum in Opposition to Defendant / Third-Party Claimant Morris Beach Hutson a/k/a M.B. Hutson’s “Revisited” Amended Motion for an Emergency Hearing and in Support of Motion for Sanctions, filed Feb. 12, 2021 (18 pages);
- a. Exh. 23: Hutson Response filed in the Court of Appeals in Appellate Case No. 2019-001488 on Dec. 29, 2020 (6 pages);
 - b. Exh. 24: Respondents’ Mot. for Injunctive Relief filed in the Court of Appeals in Appellate Case No. 2019-001488 on Jan. 13, 2021 (47 pages);
 - c. Exh. 25: E-mail form Hutson to opposing counsel dated Jan. 26, 2021 (2 pages);
 - d. Exh. 26: Penn-America policy declarations and cancellation pages (3 pages);
 - e. Exh. 27: Letter from Carlyle R. Cromer to Global Indemnity Group dated Dec. 17, 2015 with attached Complaint (14 pages);
 - f. Exh. 28: Aff. of M.B. Hutson filed in the Ejectment Action on or about Mar. 4, 2014 (5 pages);

- g. Exh. 29: Answer and Third-Party Complaint filed in the Class Action on June 5, 2014 (15 pages);
 - h. Exh. 30: Order relieving Matthew D. Hamrick as counsel for Hutson, filed in the Class Action on Mar. 26, 2015 (2 pages);
 - i. Exh. 31: Dep. of Hutson in the Class Action dated May 18, 2015 (329 pages) with deposition exhibits (191 pages);
 - j. Exh. 32: Printout from Ripoff Report website (10 pages);
 - k. Exh. 33: Excerpts from the transcript of trial of the Defamation Action: Hutson testimony (94 pages);
 - l. Exh. 33 HH: Excerpts from the transcript of the trial of the Defamation Action: testimony of Renee Roark and Susan Stroman with verdict and trial exhibits 13, 14, 26, 41, 42, 43, and 46 (without e-mail attachment) (109 pages total);
 - m. Exh. 34: Excerpts from the transcript of the trial of the Defamation Action: testimony of Bonnie Youmans (10 pages);
 - n. Exh. 35: Excerpts from Rule 2004 Examination of Hutson his Bankruptcy Action, In re: Morris B. Hutson a/k/a M.B. Hudson, Case No. 14-00165-jw (43 pages);
 - o. Exh. 36: Letter from Hutson to Paul A. Weissenstein dated Nov. 9, 2015 (4 pages);
 - p. Exh. 37: Pl's. Resp. to Def's. Mot. for Summ. J. filed Feb. 12, 2021 in MB Hutson/MB Hudson vs. Paul Weissenstein, Civ. Action No. 2018-CP-43-1583 (Sumter County) (6 pages);
 - q. Exh. 38: Amended Complaint filed in the Defamation Action on Nov. 29, 2016 (10 pages).
35. Form 4 Order cancelling hearing on Hutson Emergency Motion, filed Feb. 17, 2021 (5 pages).

Transcript

- 36. Complete transcript of motions hearing held before the Hon. Robert E. Hood, October 15, 2020 (78 pages).

Exhibits

No additional exhibits were received at the hearing, all such documents having been attached to the parties' prior court filings.

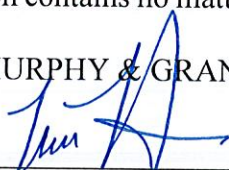
Other Documents

- 37. Hutson E-mail to Judge Hood, Oct. 16, 2020 (providing e-mails between Hutson and Clerk on Sept. 3 and 17, 2020).
- 38. E-mail from Judge Hood's Chambers requesting draft Orders, dated Oct. 23, 2020.

39. Notice of Appeal, served Jan. 4, 2021.

Respondents certify that this Designation contains no matter that is irrelevant to the appeal.

MURPHY & GRANTLAND, P.A.



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PROOF OF SERVICE

I certify that I have served the Respondents Timothy J. Newton and Murphy & Grantland, P.A.'s Designation of Matter to be Included on the Record on Appeal by Respondents on all parties by depositing a copy of it in the United States Mail, postage prepaid, on March 9, 2021, addressed to:

Morris B. Hudson a/k/a M.B. Hudson
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Orangeburg, SC 29115

Christian Stegmaier, Esquire
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