

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Apr 07 2021

SC Court of Appeals

Appellate Case No.: 2020-001030

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

2020-CP-10-00209

Maybank 2754, LLC, Appellant,

v.

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 OF RESPONDENTS
BEACH FENWICK, LLC AND THE BEACH COMPANY [sic]**

The Respondents, Beach Fenwick, LLC and The Beach Co. (“Beach Fenwick” and “The Beach Co.” collectively and interchangeably referred to as the “Beach Entities” or “Respondents”) designate the following material for inclusion in the Record on Appeal in addition to the material designated by Appellant and remaining Respondents:

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, and exhibits – January 13, 2020;

7. Answer and Amended Answer of Beach Co. – Feb. 17, 2020, and March 16, 2020;
8. Beach Entities’ Motion to Refer to the Master-In-Equity, and exhibits – February 17, 2020;
9. Plaintiff’s Responses to Defendant’s Requests for Admission – March 10, 2020;
10. Zurlo Defendants’ Motion and Memorandum in Support of Summary Judgment, and exhibits – August 14, 2020;
11. Beach Companies Motion for Summary Judgment – August 19, 2020, and Memorandum of Law in Support of Motion for Summary Judgment and exhibits – September 18, 2020;
12. Plaintiff’s Opposition to Beach Entities’ Motion for Sanctions and exhibits – November 17, 2020;
13. Order of Hon. Judge Bentley D. Price – June 30, 2020;
14. Order of Hon. Judge Bentley D. Price – July 13, 2020;
15. Maybank’s Motion for Reconsideration of Order entered June 30, 2020;
16. Defendants’ Joint Response to the Plaintiff’s Motion for Reconsideration – July 8, 2020;
17. Zurlo Defendants’ Supplemental Memorandum in Support of Motion for Summary Judgment – September 14, 2020;
18. Order of Hon. Mikell R. Scarborough – August 18, 2020;
19. Seamon Whiteside & Associates’ Supplement to Motion to Dismiss and/or Motion for Summary Judgment – August 26, 2020;
20. 1776, LLC’s Motion for Summary Judgment – September 3, 2020, and Memorandum of Law in Support of Summary Judgment – September 21, 2020;
21. Respondents’ Joint Motion to Dismiss Appeal and for Costs and Memorandum in Support Thereof – September 15, 2020;
22. Return of Appellant to Respondents’ Motion to Dismiss Appeal and for Costs and Memorandum in Support Thereof – September 21, 2020;
23. Order of Hon. Judge Bruce Williams – November 12, 2020;
24. Maybank’s Response in Opposition to the Defendants’ Motion for Summary Judgment – September 17, 2020;
25. Affidavit of Michel F. Laplante – September 17, 2020;
26. Order of Hon. Judge Bentley D. Price – October 7, 2020;
27. Order of Hon. Judge Bentley D. Price – October 8, 2020;
28. Order of Hon. Judge Bentley D. Price – October 12, 2020;
29. 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;
30. Responses of Defendants to Maybank’s October 16, 2020 Motion to Alter;
31. Order of Hon. Judge Bentley D. Price – November 6, 2020; and
32. Plaintiff’s Opposition to Beach Entities’ Motion for Sanctions and exhibits – 11/17/2020.

/s/ Cheryl D. Shoun
Cheryl D. Shoun
Chase C. Keibler
NEXSEN PRUET, LLC
PO Box 486
Charleston, SC 29402
843-577-9440

Attorneys for Beach Fenwick, LLC, and
The Beach Company

April 7, 2021

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PROOF OF SERVICE

I hereby certify that on this date I have served the **DESIGNATION OF MATTER FOR THE RECORD ON APPEAL OF RESPONDENTS BEACH FENWICK, LLC AND THE BEACH COMPANY [sic]** on Appellant and all other parties to their respective e-mail addresses, pursuant to the Order of the Supreme Court Appellate Case No. 2020-000447(g)(3) on April 7, 2021.

Jason Tarokh, Esq.
jason@tarokhlaw.com

Jason S. Smith, Esq.
js@hellmanyates.com

Scarlet B. Moore, Esq.
Scarlet28@msn.com

Brian A. Hellman, Esq.
bh@hellmanyates.com

Kent Taylor Stair, Esq.
kstair@cskl.law

Thomas Bacot Pritchard, Esq.
tpritchard@pnalaw.net

Jordan N. Teich, Esq.
jteich@cskl.law

J. Rutledge Young, Jr.
jry@duffyandyoung.com

John Patrick Turner Norris, Esq.
pnorris@cskl.law

Patrick C. Wooten
pwooten@duffyandyoung.com

/s/ Cheryl D. Shoun

Cheryl D. Shoun

Chase C. Keibler

Nexsen Pruet, LLC

PO Box 486

Charleston, SC 29402

843-577-9440

Attorneys for Beach Fenwick, LLC,
and The Beach Company