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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS
Thirteenth Judicial Circuit
Hon. R. Lawton McIntosh

Appellate Case No. 2020-001645
Civil Action No. 2019-CP-23-00998

McMillan Pazdan Smith, LLC,
Plaintiff/Counter-Defendant,Respondent,

v.

Donza H. Mattison,
Defendant/Counterclaimant,Appellant.

AND

Donza H. Mattison, in a Derivative
Capacity on Behalf of McMillan Pazdan
Smith, LLC,
Third-Party Plaintiff,Appellant,

v.

Ronald G. Smith, Joseph M. Pazdan, Brad B.
Smith, and Chad C. Cousins,
Third-Party Defendants,Respondents.

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

Pursuant to Rule 209, SCACR, Respondents McMillan Pazdan Smith, LLC, Ronald G. Smith, Joseph M. Pazdan, Brad B. Smith, and Chad C. Cousins designate the following matter for inclusion in the record on appeal. The matters that are also designated by Appellant for

inclusion in the Record are noted by an asterisk. Undersigned counsel certifies pursuant to Rule 209(c), SCACR, that the designation contains no matter irrelevant to the appeal.

Orders

1. Order assigning suit to the Business Court (March 20, 2019).
2. Form 4 Order (June 14, 2019).*
3. Order (July 2, 2019).*
4. Form 4 Order (October 10, 2019).*
5. Order (October 30, 2019).*
6. Order (November 22, 2019).*
7. Order (May 15, 2020).*
8. Form 4 Order (August 4, 2020).*
9. Order (September 22, 2020).*
10. Order Granting Summary Judgment (September 30, 2020).
11. Order (November 9, 2020).*

Pleadings

12. Complaint (February 22, 2019).*
13. Answer, Counterclaims, and Third-Party Complaint (March 4, 2019).
14. Amended Answer, Counterclaims, and Third-Party Complaint and the exhibits thereto (July 30, 2019).*

Motions and Memoranda, including all exhibits, if any

15. MPS's Motion to Dismiss (April 1, 2019).
16. MPS's Motion to Dismiss (August 7, 2019).
17. MPS's Memorandum in Support of the Motion to Dismiss (September 6, 2019).
18. Mattison's Memorandum in Opposition to the Motion to Dismiss (September 8, 2019).

19. MPS's Motion for Protective Order (December 11, 2019).
20. MPS's Motion for Summary Judgment February 21, 2020).
21. MPS's Memorandum in Support of the Motion for Summary Judgment (May 6, 2020).
22. Mattison's Memorandum in Opposition to the Motion for Summary Judgment (May 11, 2020).
23. MPS's Supplemental Memorandum in Support of the Motion for Summary Judgment (July 31, 2020).
24. Mattison's Supplemental Memorandum in Opposition to the Motion for Summary Judgment (July 31, 2020).
25. MPS's Memorandum in Support of an Award of Attorneys' Fees (August 21, 2020).
26. Mattison's Memorandum in Opposition to an Award of Attorneys' Fees (August 24, 2020).
27. Mattison's Motion to Alter or Amend (October 12, 2020).*
28. MPS's Memorandum in Opposition to the Motion to Alter or Amend (October 22, 2020).
29. Mattison's Memorandum in Support of the Motion to Alter or Amend (October 23, 2020).

Transcripts

30. Motion hearing (May 16, 2019).*
31. Motion hearing (September 10, 2019).*
32. Motion hearing (November 6, 2019).*
33. Deposition of W. Joslin (January 17, 2020) at 1, 10–16, 30–33, 78–81, and 168–73.
34. Deposition of K.J. Jacobs (January 29, 2020) at 1, 8–10, 72–76, 144–46, 152–155, 163–68, and 171–72.
35. Deposition of P. Myers (February 19, 2020) at 1, 29–34, 39–41, 74–80, 98–99, 109–112, 134–38, 146–48, 163–75.

36. Motion hearing (May 12, 2020).*
37. Deposition of D. Love deposition (June 17, 2020) at 1, 10–14, 17–24, 75–82, 84–86, 112–24, 171–76, 212–14, and 230–38.
38. Deposition of C. Pitts (July 10, 2020) at 1, 7–9, 19–25, 73–77, 135–43, 145–50, and 188–93.
39. Deposition of D. Ballard (July 20, 2020) at 1, 7–8, 18–22, 29–30, 33–48, 68–74, 129–36, 143–50, and 193–203.
40. Motion hearing (October 26, 2019).*

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