

RECEIVED
May 17 2021
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
In the Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge
William A. McKinnon, Circuit Court Judge

Appellate Case No. 2020-000407

Douglas Kelsey Plaintiff

v.

House of Blues Myrtle Beach Restaurant Corporation; HOB
Entertainment, Inc.; and Travis Scott Wagoner Defendants

and

House of Blues Myrtle Beach Restaurant Corporation..... Third-Party Plaintiff

v.

Throttlefest, LLC; American Outlaw Spirits Incorporated; Full
Throttle, LLC; and Full Throttle Sloon Shine, LLC Third-Party Defendants

Of which House of Blues Myrtle Beach Restaurant Corporation is the Appellant and Throttlefest,
LLC; American Outlaw Spirits Incorporated; Full Throttle, LLC; and Full Throttle Sloon Shine,
LLC are the Respondents

**RESPONDENT THROTTLEFEST, LLC'S DESIGNATION OF MATTER
FOR INCLUSION IN THE RECORD ON APPEAL**

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Jeffrey M. Bogdan, Esq.
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Counsel for Respondent Throttlefest, LLC

Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Respondent Throttlefest, LLC ("Respondent") hereby designates the following materials to be included in the Record on Appeal in this matter in connection with its Initial Brief of Respondent. Each item designated **is to include all attachments or exhibits** to the original of the referenced item. Respondent intends to designate each and every item from the record that it cites in its Initial Brief of Respondent in this matter. Respondent expressly reserves the right to seek supplementation of the record pursuant to Rules 209 and 212, SCACR. Respondent designates the following matters for inclusion in the Record on Appeal (including any exhibits or attachments thereto):

1. May 12, 2017 Plaintiffs' Summons and Complaint
2. July 7, 2017, Plaintiffs' Amended Summons and Complaint
3. August 4, 2017 Appellant House of Blues' Answer to Amended Complaint
4. January 15, 2018 Respondent Throttlefest, LLC's Answer to Amended Complaint.
5. November 6, 2018 Respondent Throttlefest, LLC's Motion to Dismiss Amended Complaint
6. November 30, 2018 Respondent Throttlefest, LLC's Memorandum in Support of Motion to Dismiss
7. December 10, 2018 Appellant House of Blues' Memorandum in Opposition to Respondent Throttlefest, LLC's Motion to Dismiss
8. December 11, 2018 Order granting Respondent Throttlefest, LLC's Motion to Dismiss Plaintiff's claims
9. October 15, 2019 Plaintiff's Second Amended Complaint
10. October 18, 2019 Appellant House of Blues' Third-Party Summons and Answer to Second Amended Complaint and Third-Party Complaint
11. December 5, 2019 Respondent Throttlefest, LLC's Answer to Third-Party Complaint and Counterclaim
12. December 5, 2019 Respondent Throttlefest, LLC's Motion to Dismiss Third-Party Claims

13. December 30, 2019 Respondent Throttlefest, LLC's Memorandum in Support of Its Motion to Dismiss
14. January 7, 2020 Appellant House of Blues' Memorandum in Opposition to Respondent Throttlefest, LLC's Motion to Dismiss
15. January 8, 2020 Transcript of Proceedings before the Honorable Benjamin Culbertson
16. February 4, 2020 Order granting Respondent Throttlefest, LLC's Motion to Dismiss
17. February 14, 2020 Appellant House of Blues' Motion to Alter or Amend
18. February 28, 2020 Respondent Throttlefest, LLC's Memorandum in Opposition to Motion to Alter or Amend
19. March 4, 2020 Order denying Appellant House of Blues' Motion to Alter or Amend

Respondent Throttlefest, LLC certifies, pursuant to S.C.A.C.R., Rule 209(c), that the designations set forth above are relevant to the appeal in this matter, and that it has not designated any matter that is irrelevant to the issues before the Court.

May 7, 2021

BARNWELL WHALEY PATTERSON &
HELMS, LLC

By: 

M. Dawes Cooke, Jr., Esq.

Jeffrey M. Bogdan, Esq.

John W. Fletcher, Esq.

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LLC are the Respondents


PROOF OF SERVICE

I certify that I have served the Designation of Matter for Inclusion in the Record on Appeal of Respondent Throttlefest, LLC on the above-referenced Appellant and on other parties by depositing a copy of it in the United States Mail, postage prepaid, on May 17, 2021, addressed to counsel at the following addresses:

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