

**RECEIVED**  
**May 17 2021**  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

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

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Appellate Case No. 2020-000407

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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 whom 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.

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**DESIGNATION OF MATTER TO BE INCLUDED  
IN THE RECORD ON APPEAL**

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Respondents American Outlaw Spirits Incorporated, Full Throttle, LLC, and Full Throttle Sloon Shine, LLC designate the following material for inclusion in the Record on Appeal, in addition to the material designated by Appellant in its Designation of Matter to Be Included in the Record on Appeal, which these Respondents also incorporate by reference and designate for inclusion in the Record on Appeal:

1. House of Blues Answer to Amended Complaint dated August 4, 2017.

2. Full Throttle, LLC and Full Throttle S'Loon Shine, LLC Motion to Dismiss dated June 25, 2019.
3. Full Throttle, LLC and Full Throttle S'Loon Shine, LLC Memorandum in Support of Motion to Dismiss dated June 25, 2019.
4. Plaintiff's Motion to Enforce Mediated Settlement Agreement and Release dated October 20, 2020.
5. Stipulation of Dismissal with Prejudice as to the Plaintiffs' Claims Against Defendants dated March 17, 2021.
6. Transcript of deposition of Travis Scott Wagoner dated April 23, 2018
7. Co-Promotion Agreement dated March 19, 2014.
8. Affidavit of Jesse Dupree dated January 2, 2020.
9. Affidavit of Michael Ballard dated January 2, 2020.

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

s/ Patrick C. Wooten  
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Patrick C. Wooten, Esq.  
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*Attorneys for Respondents American  
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May 17, 2021  
Charleston, South Carolina

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**PROOF OF SERVICE**

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I hereby certify that on the 17<sup>th</sup> day of May 2021, I have served the **DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** on Appellant and all other parties via their respective e-mail addresses pursuant to the Order of Supreme Court Appellate Case No. 2020-000447(g)(3).

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*Counsel for Respondent Throttlefest, LLC*

Respectfully submitted,

DUFFY & YOUNG, LLC

s/ Patrick C. Wooten

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May 17, 2021  
Charleston, South Carolina

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ATTORNEYS AT LAW

May 17, 2021

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May 17 2021

SC Court of Appeals

VIA EMAIL

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RE: Douglas Kelsey v. House of Blues Myrtle Beach Restaurant Corporation; HOB Entertainment, Inc.; and Travis Scott Wagoner and House of Blues Myrtle Beach Restaurant Corporation v. Throttlefest, LLC; American Outlaw Spirits Incorporated; Full Throttle, LLC; and Full Throttle Sloon Shine, LLC  
Case No. 2017-CP-26-03008  
Appellate Case No. 2020-000407

Dear Ms. Kitchings:

In accordance with the Supreme Court's Order, Appellate Case No. 2020-000447(c)(6), attached please find for filing in the above-referenced matter the Initial Brief, Designation of Matter to be Included in the Record on Appeal, and the Proofs of Service of the same, for Respondents American Outlaw Spirits Incorporated, Full Throttle, LLC, and Full Throttle Sloon Shine, LLC.

Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,



Janice V. Prosen  
Paralegal

/jvp

Attachments

cc (w/Attachments via email): All Counsel of Record