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May 20 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
In the Court of Common Pleas

Brian M. Gibbons, Circuit Court Judge

Case No. 2017-CP-42-00740

Appellate Case No. 2020-001642

Gibbs International, Inc., Respondent,

v.

Sarmad Harake, Eurosa, Inc., and Katherine Harake, Defendants of whom Sarmad Harake and Eurosa, Inc. are the Appellants.

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

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Telephone: (864) 253-6105
ATTORNEYS FOR RESPONDENT

Other Counsel of Record:
John T. Lay, Jr. (S.C. Bar No. 64526)
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Lindsay A. Joyner (S.C. Bar No. 77437)
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ATTORNEYS FOR APPELLANTS

Respondent proposes the following be included in the Record on Appeal:

1. Circuit Court Consent Amended Scheduling Order entered December 1, 2020;
2. Circuit Court Order Denying October 5, 2020 Motions By Defendants Sarmad Harake and Eurosa, Inc., entered November 30, 2020;
3. Circuit Court Order on the Parties Respective Motions to Dismiss, entered November 18, 2020;
4. Email Exchange with the Circuit Court dated November 17, 2020;
5. Circuit Court Consent Amended Scheduling Order entered November 4, 2020;
6. K. Dunlap e-mail to Hon. J. Mark Hayes, II dated October 28, 2020;
7. Defendants Sarmad Harake and Eurosa, Inc.'s Motion to Alter or Amend, filed October 5, 2020;
8. Circuit Court's Form 4 Order entered September 25, 2020;
9. Transcript of Record for September 22, 2020 Hearing;
10. Harake Defendants' Memorandum in Opposition to Plaintiff Gibbs International, Inc.'s Motion to Dismiss and to Strike Counterclaims of Sarmad Harake and Eurosa, Inc., filed September 22, 2020;
11. Plaintiff Gibbs International, Inc.'s Memorandum of Law in Opposition to Defendant Katherine Harake's Motion to Dismiss, filed September 22, 2020;
12. Memorandum of Law in Support of Plaintiff Gibbs International, Inc.'s Amended Motion to Dismiss and to Strike Certain Counterclaims of Sarmad Harake and Eurosa, Inc., filed September 22, 2020;
13. Plaintiff Gibbs International, Inc.'s Notice of and Motion to Dismiss and to Strike Counterclaims of Sarmad Harake and Eurosa, Inc., filed August 28, 2020;
14. Defendants Sarmad Harake, Katherine Harake and Eurosa, Inc.'s Answer to Plaintiffs' Third Amended Complaint and Counterclaims of Defendants Sarmad Harake and Eurosa, Inc., filed August 24, 2020;
15. Plaintiff's Third Amended Complaint, filed August 3, 2020;
16. Plaintiff Gibbs International, Inc.'s Memorandum in Support of its Motion to Compel as to Katherine Harake and Sarmad Harake, filed August 3, 2020;
17. Circuit Court Consent Order Setting Trial entered July 28, 2020;
18. Joint Motion filed July 22, 2020;

19. Plaintiff Gibbs International, Inc.'s Motion to Compel as to Defendants Katherine Harake and Sarmad Harake, filed May 22, 2020;

20. Gibbs' Motion to File an Amendment to the Second Amended Complaint, filed December 16, 2019;

21. Deposition Transcript of Sarmad Harake, Vol. 2, dated July 25, 2019, pp. 1, 19-21, 149-150, 158-160, 168-169, 286-293;

22. Circuit Court's Order on Various Discovery Issues, entered June 3, 2019.

23. Plaintiff Gibbs International, Inc.'s Motion to Remove Redactions in Documents Produced by Sarmad Harake and Eurosa, Inc.; and Plaintiff's Motion to Compel as to Katherine Harake, filed November 21, 2018;

24. Plaintiffs' Second Amended Complaint, filed June 9, 2017;

25. Plaintiff's First Amended Complaint, filed May 3, 2017;

Pursuant to Rule 209(c), SCACR, the undersigned counsel for Respondent certifies this Designation contains no matter irrelevant to this appeal.

Respectfully submitted this the 20th day of May, 2021

/s/ Kevin A. Dunlap

Kevin A. Dunlap

Attorney for Respondent
Gibbs International, Inc.

OF COUNSEL:

PARKER POE ADAMS & BERNSTEIN LLP
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Case No.: 2017-CP-42-00740

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Gibbs International, Inc.Respondent,

v.

Sarmad Harake, Eurosa, Inc., and Katherine Harake Defendants,
of whom Sarmad Harake and Eurosa, Inc. are the Appellants.

PROOF OF SERVICE

This is to certify that the undersigned has caused to be served this day (1) copy each of Initial Brief of Respondent Gibbs International, Inc. and Respondent's Designation of Matter to be Included in the Record on Appeal via electronic mail at the address stated in the Amended Order of the Supreme Court dated May 29, 2020 and as set forth below to the following:

John T. Lay
Curtis L. Ott
Lindsay A. Joyner
1201 Main Street, Suite 1200
P.O Box 7368
Columbia, SC 29202
jlay@GWBlawfirm.com
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ljoyner@GWBlawfirm.com

A copy of the email serving counsel for Appellants is attached hereto.

May 20, 2021

s/KEVIN A. DUNLAP
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Attorney for Respondent
Gibbs International, Inc.

From: [Dunlap, Kevin A.](#)
To: [Lindsay A. Joyner \(ljoyner@gwblawfirm.com\)](mailto:ljoyner@gwblawfirm.com)
Subject: Gibbs International, Inc. v. Harake, et al., Appellate Case No. 2020-001642
Date: Thursday, May 20, 2021 3:47:27 PM
Attachments: [2021-05-20 Letter to Court of Appeals enc. Gibbs" Brief & Designation of ROA.pdf](#)
[2021-05-20 Initial Brief of Respondent Gibbs International, Inc.pdf](#)
[2021-05-20 Respondent"s Designation of Record on Appeal.pdf](#)
[2021-05-20 Proof of Service.pdf](#)

Lindsay:

Hope all is well. I am serving via email the Initial Brief of Respondent Gibbs International, Inc. and Respondent's Designation of Matter to be Included in the Record on Appeal in the above-captioned matter. I will be filing this with the Court of Appeals electronically today and will attach this email to the certificate of service of same. Thanks.

Kevin

Kevin Dunlap
Partner
864.253.6105



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May 20 2021

SC Court of Appeals

Kevin A. Dunlap

Partner

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Atlanta, GA
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Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC
Washington, DC

May 20, 2021

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1229 Senate Street
Columbia, South Carolina 29201

Re: **Gibbs International, Inc., Respondent, v. Sarmad Harake and Eurosa, Inc.,
Appellants**
Case No. 2017-CP-42-00740
Appellate Case No. 2020-001642

Dear Ms. Kitchings:

Enclosed for filing please find Initial Brief of Respondent Gibbs International, Inc. and Respondent's Designation of Matter to be Included in the Record on Appeal, as well as the corresponding proof of service for those filings.

Please do not hesitate to contact me if there are any questions.

With best wishes, I am

Very truly yours,

A handwritten signature in black ink that reads 'Kevin A. Dunlap'.

Kevin A. Dunlap

KAD
Attachments

cc: Lindsay A. Joyner

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