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Jul 21 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas, Business Court Program

R. Lawton McIntosh, Circuit Court Judge

Case No. 2019-CP-23-00998
Appellate Case No. 2021-000365

McMillan Pazdan Smith, LLC, Plaintiff-Respondent,

v.

Donza H. Mattison, Defendant-Appellant.

APPELLANT'S DESIGNATION OF MATERIAL TO BE INCLUDED IN
RECORD ON APPEAL

Appellant, Donza H. Mattison, by and through her undersigned counsel, hereby proposes the following to be included in the Record on Appeal:

1. Form 4 Order (Jan. 25, 2021)
2. Order on Motion to Compel (Feb. 9, 2021)
3. Order Granting Plaintiff's Motion for Summary Judgment (Feb. 12, 2021)
4. Form 4 Order denying Defendant's Motion for Reconsideration (Mar. 17, 2021)
5. Transcript of Motions Hearing (Jan. 14, 2021)
6. Transcript of Motion for Reconsideration Hearing (Mar. 16, 2021)
7. Complaint (Feb. 22, 2019)
8. Verified Amended Answer, Counterclaims, and Third-Party Complaint (July 30, 2019)
9. Reply to Amended Counterclaims and Third-Party Complaint (Nov. 4, 2019)
10. Memo from MPS Management Committee to Donza Mattison (Nov. 14, 2017)
11. Severance Agreement and General Release (Dec. 5, 2017)
12. Confidentiality and Non-Disclosure Agreement (Oct. 18, 2018)
13. Letter of Aug. 3, 2018 from Attorney T. Keim to Attorney D. Rothstein
14. Letter of Jan. 14, 2019 From Attorney D. Rothstein to Attorney T. Keim
15. Operating Agreement of McMillan Pazdan Smith, LLC (Sept. 25, 2009)

16. Amended and Restated Operating Agreement of McMillan Pazdan Smith, LLC (Sept. 30, 2015) (not signed by D. Mattison)
17. Letter of Dec. 16, 2019 to Judge McIntosh memorializing rulings from telephone conference of Dec. 13, 2019
18. Email of Dec. 17, 2019 from Judge McIntosh confirming letter summarizing ruling
19. Rule 56(f) Affidavit of Defendant's Counsel, David E. Rothstein
20. Mattison Affidavit, with Exhibits 1-5 (May 14, 2020)
21. Second Rule 56(f) Affidavit of Defendant's Counsel, with Exs. 1-11 (filed Jan. 13, 2021)
22. Second Affidavit of Defendant, Donza Mattison, with Exs. A & B (Jan. 4, 2021)
23. Graph of Gross Revenues and Salaries presented during Mar. 16, 2021 hearing
24. Graph of Gross Revenues and MPS Unit Values presented during Mar. 16, 2021 hearing
25. Memo from Cousins to Hillegass, HDH Advisors (Jan. 4, 2018)
26. Memo from B. Smith to MPS Members re: Member Meeting Minutes (Mar. 5, 2010)
27. Memo from Cousins to D. Moore, with attachment (Nov. 12, 2015)
28. HDH Advisors Valuation Report as of July 31, 2013;
29. HDH Advisors Valuation Report for YE Dec. 31, 2014;
30. HDH Advisors Valuation Report for YE Dec. 31, 2015;
31. HDH Advisors Valuation Report for YE Dec. 31, 2016;
32. HDH Advisors Valuation Report for YE Dec. 31, 2017;
33. Defendant's Motion for Stay of Remainder of Case Pending Appeal of Derivative Action and For Leave to Conduct Rule 34 Inspection of Plaintiff's Spartanburg Office (Dec. 11, 2020)
34. Plaintiff's Motion to for Summary Judgment (Dec. 14, 2020)
35. Defendant's Motion to Compel, with Exhibits 1-10 (Jan. 4, 2021)
36. Defendant's Motion for Reconsideration or to Alter or Amend Judgment (Feb. 22, 2021)

The undersigned certifies that this Designation contains no matter which is irrelevant to this appeal.

July 21, 2021



David E. Rothstein, SC Bar No. 66295
Rothstein Law Firm, PA
1312 Augusta Street
Greenville, SC 29605
drothstein@rothsteinlawfirm.com
(864) 232-5870
Attorney for Appellant

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v.

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PROOF OF SERVICE

I certify that I have served the Initial Brief of Appellant and Appellant’s Designation of Matter to be Included in the Record on Appeal on Respondent, McMillan Pazdan Smith, LLC, by depositing these documents in the United States Mail, postage prepaid, on July 21, 2021, addressed to their following attorneys of record: Samuel W. Outten and Miles Coleman, Nelson Mullins Riley & Scarborough LLP, 2 W. Washington St., Suite 400, Greenville, SC 29601; Thomas H. Keim, Jr., Ford Harrison, 100 Dunbar St., Suite 300, Spartanburg, SC 29306; and A. Mattison Bogan, Nelson Mullins Riley & Scarborough, LLP, , 1320 Main St., 17th Floor, Columbia, SC 29201.

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David E. Rothstein, SC Bar No. 66295
Rothstein Law Firm, PA
1312 Augusta Street
Greenville, SC 29605
drothstein@rothsteinlawfirm.com
(864) 232-5870
Attorney for Appellant



ROTHSTEIN LAW FIRM, PA

www.rothsteinlawfirm.com

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SC Court of Appeals

David E. Rothstein
Certified Specialist in Employment and Labor Law (S.C.)
Also licensed in North Carolina
drothstein@rothsteinlawfirm.com

Jill C. Rothstein
Special Counsel
jrothstein@rothsteinlawfirm.com

July 21, 2021

VIA EMAIL (ctappfilings@sccourt.org)

Hon. Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: McMillan Pazden Smith, LLC v. Donza H. Mattison etc.,
Appellate Case No. 2021-000365

Dear Ms. Kitchings:

Enclosed please find the Initial Brief of Appellant and Appellant's Designation of Matter to be Included in the Record on Appeal in the above-referenced case, along with the Proof of Service. Please file the originals of these documents and email a stamped copy to me for my records.

As noted in the Proof of Service, I am hereby serving these document by email and by regular mail on Respondent's counsel.

Thank you in advance for your attention to this matter. If you have any questions or need anything else, please do not hesitate to call me or email me.

Sincerely yours,

David E. Rothstein

Enclosures

cc: Samuel W. Outten, Esq. (All via email and U.S. Mail w/ encl.)
Miles Coleman, Esq.
Thomas H. Keim, Jr., Esq.
A. Mattison Bogan, Esq.