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**Oct 20 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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

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

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McMillan Pazdan Smith, LLC, ..... Respondent,

v.

Donza H. Mattison, ..... Appellant.

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**RESPONDENT’S DESIGNATION OF MATTER  
FOR THE RECORD ON APPEAL**

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Pursuant to Rule 209, SCACR, Respondent McMillan Pazdan Smith, LLC designates 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 (August 4, 2020).
3. Order Granting Summary Judgment (September 30, 2020).
4. Order (November 9, 2020).
5. Form 4 Order (January 25, 2021).\*
6. Order on Mattison’s Motion to Compel (Feb. 9, 2021).\*
7. Order Denying Mattison’s Motion to Stay (Feb. 9, 2021).

8. Order Granting MPS's Motion for Summary Judgment (February 12, 2021).\*
9. Form 4 Order (March 17, 2021).\*
10. Form 4 Order denying Mattison's Motion to Stay (June 7, 2021).
11. Order denying Mattison's Motion to Stay (June 22, 2021).

**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. Mattison's Motion to Stay and for Leave to Conduct an Inspection (Dec. 11, 2020).\*
16. MPS's Memorandum in Opposition to Mattison's Motion to Stay and for Leave to Conduct an Inspection (Dec. 14, 2020).
17. MPS's Motion for Summary Judgment (Dec. 14, 2020).\*
18. Mattison's Motion to Compel (January 4, 2021).\*
19. MPS's Memorandum in Opposition to Mattison's Motion to Compel (January 11, 2021).
20. Mattison's Memorandum in Opposition to MPS's Motion for Summary Judgment (January 13, 2021).
21. Mattison's Motion to Alter or Amend or for Reconsideration (Feb. 22, 2021).\*
22. MPS's Memorandum in Opposition to Mattison's Motion to Alter or Amend (March 1, 2021).
23. Mattison's Motion to Stay (April 21, 2021).
24. MPS's Memorandum in Opposition to Mattison's Motion to Stay (May 6, 2021).
25. Mattison's Memorandum in Support of the Motion to Stay (May 26, 2021).

26. MPS's Reply in Opposition to the Motion to Stay (June 3, 2021).

**Transcripts**

27. Motion hearing (October 26, 2020) at 52 to 55.

28. Motion hearing (January 14, 2021).\*

29. Motion hearing (March 16, 2021).\*

**Exhibits and other materials**

30. MPS's 2015 Operating Agreement.\*

31. Letter from D. Rothstein to T. Keim (Jan. 14, 2019) with attachments, if any.\*

32. Affidavit of Donza Mattison (May 14, 2020).

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*Attorneys for Respondent McMillan Pazdan Smith, LLC*

October 20, 2021

Greenville, South Carolina

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McMillan Pazdan Smith, LLC, .....Respondent,

v.

Donza H. Mattison, .....Appellant.

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**PROOF OF SERVICE**

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Pursuant to Rule 262, SCACR and Order No. 2021-08-25-02 of the Supreme Court, undersigned counsel hereby certifies I have served a copy of Respondent's Initial Brief and Designation of Matter on counsel of record by electronic mail (see attached sent email):

**Counsel Served:**

David E. Rothstein  
Rothstein Law Firm, PA  
1312 Augusta Street  
Greenville, SC 29605  
drothstein@rothsteinlawfirm.com

By: 

Miles E. Coleman

*Attorney for Respondent McMillan Pazdan Smith, LLC*

October 20, 2021  
Greenville, South Carolina

## Miles Coleman

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**From:** Miles Coleman  
**Sent:** Wednesday, October 20, 2021 2:13 PM  
**To:** drothstein@rothsteinlawfirm.com  
**Cc:** Sam Outten; Matt Bogan (matt.bogan@nelsonmullins.com); tkeim@fordharrison.com  
**Subject:** MPS v. Mattison -- service of MPS's Initial Brief and Designation  
**Attachments:** 2021.10.20 -- MPS v. Mattison -- Initial Brief of MPS.pdf; 2021.10.20 -- MPS v. Mattison -- MPS's Designation of Matter for the Record on Appeal.pdf

David, please find attached for service a copy of the Initial Brief of Respondent and Respondent's Designation of Matter in the above-referenced appeal (Appeal No. 2021-000365). We will be filing copies of these documents, accompanied by a proof of service of same, with the Court of Appeals shortly.

Miles



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MILES COLEMAN **PARTNER**

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October 20, 2021

**Via electronic mail**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
The South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

**RECEIVED**  
**Oct 20 2021**  
**SC Court of Appeals**

RE: Respondent's Initial Brief and Designation of Matter  
*McMillan Pazdan Smith, LLC v. Donza H. Mattison*  
Appellate Case No. 2021-000365  
Civil Action No. 2019-CP-23-00998  
Our File No. 058964/01500

Dear Ms. Kitchings:

Please find enclosed for filing in the above-referenced matter Respondent's Initial Brief and Designation of Matter for the Record on Appeal. Also enclosed is a Proof of Service of the same. We ask that you file these documents and, at your convenience, return electronic copies to us bearing the Court's file stamp.

Pursuant to Rules 262 and 267(f), SCACR and the Supreme Court's Orders dated August 25, 2021, we are serving and filing these documents by electronic mail only. Please do not hesitate to contact us with any questions.

Very truly yours,



Miles E. Coleman  
*Counsel for Respondents*

CC: Samuel W. Outten, Esq.  
A. Mattison Bogan, Esq.  
Thomas H. Keim, Jr.  
David E. Rothstein, Esq.