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**Apr 20 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

J. Mark Hayes, Circuit Court Judge

Case No. 2017-CP-46204476

EQUINOX, LLC,

Plaintiff,

v.

BRANDON EPPS & COURTNEY  
EPPS

Appellants,

BRANDON EPPS AND  
COURTNEY EPPS, as Next of  
Friends of ALEXIS MARION  
HUCKS, ADRIANNE BELLE  
HUCKS, WELLS SKIPPER  
HUCKS, SAWYER LANE EPPS,  
COOPER WADE EPPS, and LILI  
MADELYN EPPS,

Appellants,

v.

RICHARD B. DRESKIN

Respondent.

APPELLANTS' DESIGNATION OF MATTERS  
TO BE INCLUDED IN THE RECORD ON APPEAL

Richard B. Fennell  
S.C. Bar No. 10467  
Jennifer M. Houti  
S.C. Bar No. 102055  
James, McElroy & Diehl, P.A.  
525 N. Tryon Street, Suite 700  
Charlotte, NC 28202  
*Attorneys for Appellant*

Adam C. Bach  
R. Hudson Smith  
Eller Tonnsen Bach, LLC  
1306 South Church Street  
Greenville, SC 29605  
*Attorneys for Plaintiff and Respondent*

Appellants propose the following be included in the Record on Appeal:

1. Index
2. Order, filed January 14, 2022
3. Order, filed December 21, 2021
4. Order on Motion to Dismiss and Motion for Leave to Amend and Consolidate, filed October 9, 2020
5. Order (2020CP4201301), filed October 9, 2020
6. Consent Order Restoring Action to Active Trial Roster, filed May 12, 2020
7. Consent Order Stipulation Striking Case from Docket, filed January 23, 2020
8. Order Permitting Withdrawal, filed March 11, 2019
9. Order Permitting Withdrawal, filed May 17, 2019
10. Order Adding Necessary Parties, filed December 3, 2018
11. Complaint and Exhibit A, filed December 7, 2017
12. Answer and Counterclaim, filed January 15, 2018
13. Joint Motion to Consolidate and Order to Consolidate, filed January 29, 2018
14. Amended Complaint and Exhibit A, filed February 14, 2018
15. Reply to Counterclaim, filed February 14, 2018
16. Amended Answer and Counterclaim, filed March 9, 2018
17. Reply to Amended Counterclaim, filed March 23, 2018
18. Joint Motion to Add Necessary Parties, filed November 21, 2018
19. Motion for Withdrawal of Appearance and to Stay Proceedings, filed March 6, 2019
20. Motion to Dismiss Third-Party Complaint and/or for Partial Summary Judgment, filed April 26, 2019
21. Withdrawal of Claims of Third Party Plaintiff Outside the Box Business Solutions LLC and Motion for Amendment of Style of Case, filed May 6, 2019
22. Motion for Summary Judgment of Plaintiff/Third Party Defendant Equinox, LLC and attachments, filed August 22, 2019

23. Defendant's Response to Plaintiff's Motion for Summary Judgment, filed October 16, 2019
24. Motion for Leave to Amend Answer and Exhibits, filed December 6, 2019
25. Motion to Restore Action to Active Trial Roster, filed April 3, 2020
26. Summons & Complaint (2020CP4201301), filed April 16, 2020
27. Acceptance of Service for Dreskin and Equinox (2020CP4201301), filed April 28, 2020
28. Motion to Consolidate and Exhibit A, filed May 19, 2020
29. Notice of Motion and Motion to Dismiss (2020CP4201301), filed May 19, 2020
30. Defendants' and Third-Party Plaintiffs' Second Amended Answer and Counterclaims and Third-Party Claims, filed October 12, 2020
31. Summons to Richard Dreskin, filed October 19, 2020
32. Joint Stipulation of Dismissal, Without Prejudice (2020CP4201301), filed October 19, 2020
33. Plaintiff Equinox, LLC's Reply and Answer to Second Amended Answer, Counterclaims and Third Party Claims, filed October 27, 2020
34. Notice of Motion and Motion for Judgment on the Pleadings of Third-Party Defendant Richard B. Dreskin, filed November 12, 2020
35. Defendants' Motion for Partial Summary Judgment, filed January 26, 2021
36. Third-Party Defendant Richard B. Dreskin's Memorandum in Support of His Motion for Judgment on the Pleadings, filed March 23, 2021
37. Memorandum of Law in Opposition to Third-Party Defendant Richard D. Dreskin's Motion for Judgment on the Pleadings, filed March 23, 2021
38. Transcript of Record, March 24, 2021 Hearing
39. Transcript Excerpts from the Deposition of Joseph Brandon Epps, filed October 16, 2019
40. Transcript Excerpts from the Deposition of Richard Dreskin, filed October 16, 2019
41. Transcript Excerpts from the Deposition of Courtney West Epps, filed March 23, 2021
42. Affidavit and Itemization of Accounts, filed August 23, 2019
43. Affidavit of Richard B. Dreskin, filed August 23, 2019

44. Affidavit of Michael Hudgens, filed October 16, 2019
45. Affidavit of Richard B. Dreskin and Exhibits, filed October 16, 2019
46. Affidavit of Brent C. Horton, filed October 16, 2019
47. Affidavit of Dr. Bettina Herbert, filed October 16, 2019
48. Affidavit of Courtney W. Epps, filed October 16, 2019
49. Affidavit of Richard B. Fennell, filed January 26, 2021
50. Notice of Appeal, filed January 19, 2022

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

April 20, 2022

/s/ Richard B. Fennell \_\_\_\_\_  
Richard B. Fennell  
S.C. Bar No. 10467  
Jennifer M. Houti  
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BRANDON EPPS & COURTNEY EPPS

Appellants,

BRANDON EPPS AND COURTNEY  
EPPS, as Next of Friends of ALEXIS  
MARION HUCKS, ADRIANNE BELLE  
HUCKS, WELLS SKIPPER HUCKS,  
SAWYER LANE EPPS, COOPER WADE  
EPPS, and LILI MADELYN EPPS,

Appellants,

v.

RICHARD B. DRESKIN,

Respondent.

PROOF OF SERVICE

I, Richard B. Fennell, certify that I have this day served Appellants' Designation of Matters to be Included in the Record on Appeal upon the Respondent by depositing a copy in the United States Mail, postage prepaid, addressed to its attorneys of record, Adam C. Bach and R. Hudson Smith, Eller Tonnonson Bach, LLC, 1306 South Church Street, Greenville, SC 29605, as well as the lawyer's primary email address listed in the Attorney Information System. A copy of the email is attached.

April 20, 2022

/s/ Richard B. Fennell

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Charlotte, NC 28202  
(704) 372-9870  
*Attorneys for Appellants*

## **Blosser, Andrea**

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**From:** Blosser, Andrea  
**Sent:** Wednesday, April 20, 2022 10:21 AM  
**To:** Adam Bach; hsmith@etblawfirm.com  
**Cc:** Fennell, Rich; Houti, Jennifer  
**Subject:** Equinox v. Epps; Appellate Case No.: 2022-000061  
**Attachments:** Epps - Appellants' Initial Brief.pdf; Epps - Designation of Matters.pdf

Good Morning Adam,

Attached please find Appellants' Initial Brief and Appellants' Designation of Matters to be Included in the Record on Appeal that will be emailed to the South Carolina Court of Appeals this morning for filing. A copy of each will also be placed in the mail today to your office.

Sincerely,

**Andrea M. Blosser**

Legal Assistant to Richard B. Fennell, Mary Kay Baynard,  
and Alexandra B. Bachman



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