

**RECEIVED**  
**May 23 2022**  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Perry H. Gravely, Circuit Court Judge

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Appellate Case No. 2021-000851

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ARO-D Enterprises, LLC ..... Respondent,

v.

Tiger Enterprises & Trading, Inc., Bonnie Walker and  
Dwight Walker ..... Appellants,

Tiger Enterprises & Trading, Inc., ..... Third-Party Plaintiff / Appellant,

v.

Rudy A. Dixon, Frank T. Gangi, and  
T3 Aviation, LLC ..... Third-Party Defendants / Respondents.

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**RESPONDENTS' MEMORANDUM IN OPPOSITION TO  
APPELLANTS' MOTION TO FILE OUT OF TIME**

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Respondents, by and through their undersigned counsel, respectfully submit this Memorandum in Opposition to Appellants' Motion to File their Final Opening Brief, Final Reply Brief, and Supplemental Record on Appeal Out of Time.

Respondents do not express any consent or opposition to whatever leave the Court may grant to Appellants to file their Final Opening Brief and Final Reply Brief after the filing deadline (which expired on Wednesday, May 18, 2022). That is a matter left to the

Court's discretion, and Respondents will abide by the leave, if any, which the Court deigns to give.

However, through this Memorandum, Respondents are objecting to Appellants' stated intention to supplement the Record on Appeal.

When Appellants filed the Record on Appeal on April 28, 2022, the undersigned counsel for Respondents undertook the effort to make sure that the only matter contained in the Record was identical to their respectively filed Designations. In that connection, the undersigned reviewed each party's Designation and compared those Designations against the index to the Record, and additionally, checked the index of the Record against the documents contained therein.

The undersigned counsel deemed this necessary because, earlier in these appellate proceedings, Appellants sought to include matters in their Designation that were never a part of the proceedings before the trial court. Consequently, on January 4, 2022, Respondents filed a motion to strike as to certain matters that Appellants had designated for inclusion in the Record on Appeal. Appellants did not respond to this motion. By order dated March 1, 2022, a true and accurate copy of which is included herewith as **Attachment A**, the Court granted Respondents' motion to strike, holding that "Items 5(b)-(g) of Appellants' Designation . . . shall not be included in the record on appeal."

Returning to Appellants' present Motion, and in light of the verification that was performed when Appellants filed the Record on Appeal—which confirmed that everything which ought to be included had been, the undersigned counsel for Respondents was surprised to see that Appellants felt as though some documents had been omitted.

Accordingly, by email sent May 19, 2022, the undersigned counsel for Respondents reached out to the office of Appellants' counsel to inquire what documents they perceived to be missing from the Record. A true, accurate, and complete copy of the email exchange is provided herewith as **Attachment B**.

In this email exchange, the office of Appellants' counsel was presented with the following question:

What documents do you contend are missing from the ROA? When you filed it, I checked the designations with the index (which matched up), and then checked the index against the contents of the record (which also appeared to match up). So I'm curious, what do you think are missing?

(Att. B.)

The office of Appellants' counsel replied very simply, "[t]he 6 exhibits from the Walker Affidavit." (Id.)

This is exceedingly problematic because "[t]he 6 exhibits from the Walker Affidavit" are the exact, same documents that this Court previously held must not be included in the Record on Appeal. For convenience, Appellants' initial designation has been provided herewith as **Attachment C**. As evident from this document, "[t]he 6 exhibits from the Walker Affidavit" are none other than Items 5(b)-(g) that the Court struck from Appellants' designation. (Cf. Att. A.)

Immediately upon receiving this response from the office of Appellants' counsel, the undersigned advised Appellants that they are prohibited from supplementing the Record to include such prohibited matter. Further, Appellants' counsel was explicitly requested to let this Court know that they would be refraining from supplementing the Record as they have proposed and to withdraw such request. Appellants have yet to do so.

Accordingly, the undersigned is filing this Memorandum in Opposition to alert the Court to Appellants' intent to supplement the Record with prohibited matter, and to request that the Court deny Appellants' efforts to do so.

**WHEREFORE**, Respondents respectfully request an Order which denies Appellants' efforts to supplement the Record with prohibited matter. Respondents express no position on whether the Court should or should not grant leave to Appellants to file their Final Opening Brief and Final Reply Brief out of time. Respondents would also ask that the Court's order on Appellants' motion provide any such other or further relief as the Court deems just and proper, to include reimbursement of Respondents' counsel for their time in opposing Appellants' efforts to supplement the record with prohibited matter.

Respectfully,

*s/ Steven Edward Buckingham*

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(e) [seb@buckingham.legal](mailto:seb@buckingham.legal)

*Attorney for Respondent T3 Aviation, Inc. and  
Respondent Frank T. Gangi*

*s/ J.J. Andrighetti*

---

J.J. Andrighetti (S.C. Bar No. 0072741)  
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(o) 864.370.8222  
(e) [jj@palmettolawfirm.com](mailto:jj@palmettolawfirm.com)

*Attorney for Respondent ARO-D Enterprises, LLC and  
Respondent Rudy A. Dixon*

Greenville, South Carolina  
May 22, 2022

# ATTACHMENT A

# The South Carolina Court of Appeals

ARO-D Enterprises, LLC, Respondent,

v.

Tiger Enterprises & Trading, Inc., Bonnie Walker and  
Dwight Walker, Appellants,

Tiger Enterprises and Trading, Inc., Third-Party  
Plaintiff/Appellant,

v.

Rudy A. Dixon, Frank T. Gangi, and T3 Aviation, LLC,  
Third-Party Defendants/Respondents.

Appellate Case No. 2021-000851

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## ORDER

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After careful consideration, the motion to strike is granted in part and denied in part. The motion to strike "Item 2(a)" due to relevance is denied. The motion to strike "Items 5(b)-(g) of Appellants' Designation" of Matter is granted. These documents shall not be included in the record on appeal. *See* Rule 210(c), SCACR (noting the record shall not include matters not presented to the lower court or tribunal).



FOR THE COURT

Columbia, South Carolina

cc:

Wesley D. Few, Esquire  
Jason James Andrighetti, Esquire  
Steven Edward Buckingham, Esquire

**FILED**  
**Mar 01 2022**

# ATTACHMENT B

## Steven Edward Buckingham

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**From:** Steven Edward Buckingham  
**Sent:** Thursday, May 19, 2022 10:34 AM  
**To:** Cassy Young  
**Cc:** J.J. Andrighetti; Wes Few  
**Subject:** RE: Appellate Case No. 2021-000851  
**Attachments:** 22.1.4 Motion to Strike.pdf; 22.3.1 Order Granting Motion to Strike.pdf

Those items are not to be included in the record on appeal. Maybe you missed this, but on January 4, I filed a motion to strike those items from your designation of matter for the record on appeal because those exhibits were never filed with the trial court. The appellate court granted the order on March 1. I have attached both my motion and the order to this email.

Please advise the appellate court that you will not be supplementing the record on appeal as suggested in your motion. Otherwise, I will file a response to that effect.

Thanks.

Steve Buckingham

---

**From:** Cassy Young <cassy@wesleyfew.com>  
**Sent:** Thursday, May 19, 2022 10:28 AM  
**To:** Steven Edward Buckingham <seb@buckingham.legal>  
**Cc:** J.J. Andrighetti <jj@palmettolawfirm.com>; Wes Few <wes@wesleyfew.com>  
**Subject:** RE: Appellate Case No. 2021-000851

The 6 exhibits from the Walker Affidavit

Cassy G. Young, Paralegal/ Office Manager | Wesley D. Few, LLC | 864-527-5906 | [cassy@wesleyfew.com](mailto:cassy@wesleyfew.com) | P.O. Box 9398, Greenville, SC 29604 | [www.wesleyfew.com](http://www.wesleyfew.com)

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**From:** Steven Edward Buckingham <[seb@buckingham.legal](mailto:seb@buckingham.legal)>  
**Sent:** Thursday, May 19, 2022 10:27 AM  
**To:** Cassy Young <[cassy@wesleyfew.com](mailto:cassy@wesleyfew.com)>  
**Cc:** J.J. Andrighetti <[jj@palmettolawfirm.com](mailto:jj@palmettolawfirm.com)>; Wes Few <[wes@wesleyfew.com](mailto:wes@wesleyfew.com)>  
**Subject:** FW: Appellate Case No. 2021-000851

I have taken the court off this email. What documents do you contend are missing from the ROA? When you filed it, I checked the designations with the index (which matched up), and then checked the index against the contents of the record (which also appeared to match up). So I'm curious, what do you think are missing?

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**From:** Court Of Appeals Filings <[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)>  
**Sent:** Thursday, May 19, 2022 8:23 AM  
**To:** Cassy Young <[cassy@wesleyfew.com](mailto:cassy@wesleyfew.com)>; Court Of Appeals Filings <[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)>

**Cc:** Steven Edward Buckingham <[seb@buckingham.legal](mailto:seb@buckingham.legal)>; J.J. Andrighetti <[jj@palmettolawfirm.com](mailto:jj@palmettolawfirm.com)>; Wes Few <[wes@wesleyfew.com](mailto:wes@wesleyfew.com)>; [Staff@wesleyfew.com](mailto:Staff@wesleyfew.com)

**Subject:** RE: Appellate Case No. 2021-000851

Dear Counsel:

The Court has received your filing. A stamped copy is attached for your records.

Thank you.

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**From:** Cassy Young <[cassy@wesleyfew.com](mailto:cassy@wesleyfew.com)>

**Sent:** Wednesday, May 18, 2022 8:37 PM

**To:** Court Of Appeals Filings <[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)>

**Cc:** Steven Edward Buckingham <[seb@buckingham.legal](mailto:seb@buckingham.legal)>; J.J. Andrighetti <[jj@palmettolawfirm.com](mailto:jj@palmettolawfirm.com)>; Wes Few <[wes@wesleyfew.com](mailto:wes@wesleyfew.com)>; [Staff@wesleyfew.com](mailto:Staff@wesleyfew.com)

**Subject:** Appellate Case No. 2021-000851

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Good evening,

Attached please find Appellants' Motion to File their Final Reply Brief, Final Brief and Supplemental Record on Appeal out of Time and Proof of Service.

Thank you for your attention to this matter,  
Cassy (#803-629-0786)

Cassy G. Young, Paralegal/ Office Manager | Wesley D. Few, LLC | 864-527-5906 | [cassy@wesleyfew.com](mailto:cassy@wesleyfew.com) | P.O. Box 9398, Greenville, SC 29604 | [www.wesleyfew.com](http://www.wesleyfew.com)

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# ATTACHMENT C

**RECEIVED**

**Nov 12 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas, 13<sup>th</sup> Circuit

Perry H. Gravely, Circuit Court Judge

COMMON PLEAS CASE NO.: 2020-CP-23-01886

Appellate Case No. 2021-000851

Tiger Enterprises & Trading Company Inc., Bonnie Walker and Dwight Walker,

Appellants,

v.

ARO-D Enterprises, LLC, Rudy Dixon, T3 Aviation Inc., and Frank T. Gangi,

Respondents.

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

Appellants Tiger Enterprises & Trading Company, Inc., Bonnie Walker and Dwight Walker designates the following documents to be included in the Record on Appeal:

1. Appellants' Notice of Appeal, filed August 4, 2021;
2. Orders:
  - a. Form 4 Order Denying Plaintiffs' Motions, filed June 11, 2020;

- b. Order on ARO-D Motion for Partial Summary Judgment, filed April 16, 2021;
  - c. Order on T3 and Gangi Motion for Partial Summary Judgment, filed April 16, 2021;
  - d. Form 4 Order Denying Motion to Reconsider, filed July 6, 2021;
3. Motions:
- a. Defendants' Motion to Reconsider Orders on Partial Summary Judgment, filed April 26, 2021;
  - b. Defendants' Reply in Support of Motion to Reconsider and in Response to Oppositions, filed June 25, 2021;
  - c. Exhibit A to Defendants' Reply in Support of Motion to Reconsider and in Response to Oppositions;
  - d. Exhibit B to Defendants' Reply in Support of Motion to Reconsider and in Response to Oppositions;
  - e. Exhibit C to Defendants' Reply in Support of Motion to Reconsider and in Response to Oppositions;
  - f. Exhibit D to Defendants' Reply in Support of Motion to Reconsider and in Response to Oppositions;
  - g. Exhibit E to Defendants' Reply in Support of Motion to Reconsider and in Response to Oppositions;
4. Transcripts:
- a. 2021-03-09 ARO D v Tiger Enterprises Hearing Transcript (Transcribed April 26, 2021, 37 pages);
5. Other:

- a. Affidavit of Dwight Walker, filed June 10, 2020;
- b. Ex\_1\_2019-06-25\_\_Tiger Email to ARO June 25 2019 with consignment  
– red – first exhibit of Dwight Walker Affidavit
- c. Ex\_2\_2019-07-24\_\_Walker LTR Agreement to Rudy Dixon – ocr –  
second exhibit of Dwight Walker Affidavit
- d. Ex\_3\_2019-07-30\_\_threat emails from Frank Gangi – third exhibit of  
Dwight Walker Affidavit
- e. Ex\_4\_2019-08-01\_\_ARO Accepts ARO-1001 n PO-\_442 email Aug 1  
from DW – fourth exhibit of Dwight Walker Affidavit
- f. Ex\_5\_2019-08-06\_\_ARO Acceptance of Pos 443 and 444 by Rudy – fifth  
exhibit of Dwight Walker Affidavit
- g. Ex\_6\_2020-01-24\_\_Hawker 4000 parts received, sold, shipped 2020 – ocr  
– sixth exhibit of Dwight Walker Affidavit

[Signature on following page]

Respectfully submitted,

s/ Wesley D. Few/

Wesley D. Few, LLC

Post Office Box, 9398

Greenville, SC 29604

(864) 527-5906 | [wes@wesleyfew.com](mailto:wes@wesleyfew.com)

ATTORNEYS FOR APPELLANTS  
TIGER ENTERPRISES & TRADING COMPANY  
INC., BONNIE WALKER AND DWIGHT  
WALKER

Greenville, South Carolina  
November 11, 2021

**RECEIVED**

**May 23 2022**

**SC Court of Appeals**

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Rudy A. Dixon, Frank T. Gangi, and  
T3 Aviation, LLC ..... Third-Party Defendants / Respondents.

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**PROOF OF SERVICE**

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**THE UNDERSIGNED COUNSEL FOR RESPONDENTS** hereby certify, subject to penalty of perjury, that the following document(s) was/were served upon the following counsel of record by the following means as of the date identified below.

**Document(s):** Respondents’ Memorandum in Opposition to Appellants’ Motion to File their Final Opening Brief, Final Reply Brief, and Supplemental Record on Appeal Out of Time, *with Attachments A-C*.

**Counsel Served:** Wesley D. Few, Esq.  
Wesley D. Few, LLC  
Post Office Box 9398  
Greenville, SC 29604  
(o) 864.527.5906  
(e) [wes@wesleyfew.com](mailto:wes@wesleyfew.com)

Means of Delivery: *Via Email Only to the Address Above*

**Courts Served:** Office of the Clerk of the Court of Appeals  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

Means of Delivery: *Via Email Only to the Address Above*

**Date:** May 22, 2022

Respectfully,

*s/ Steven Edward Buckingham*

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*Attorney for Respondent T3 Aviation, Inc. and  
Respondent Frank T. Gangi*

*s/ J.J. Andrighetti*

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*Attorney for Respondent ARO-D Enterprises, LLC and  
Respondent Rudy A. Dixon*

Greenville, South Carolina  
May 18, 2022