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Jun 08 2022

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM SPARTANBURG COUNTY
COURT OF COMMON PLEAS
THE HONORABLE J. DERHAM COLE, CIRCUIT COURT JUDGE
THE HONORABLE SHANNON M. PHILLIPS, MASTER-IN-EQUITY

APPELLATE CASE NO. 2022-000348
CIVIL ACTION NO. 2021-CP-42-01163

Custom Performance Engineering, Inc.,

RESPONDENT-APPELLANT,

versus

AM Industrial Group, LLC,

APPELLANT-RESPONDENT.

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

AM Industrial Group, LLC, Appellant-Respondent, in the above referenced matter,
proposes the following be included in the Record on Appeal:

1. Complaint, filed April 13, 2021 with all exhibits;
2. Affidavit of Service, filed July 1, 2021;
3. Motion for Default Judgment, filed August 18, 2021;
4. Motion to Set Aside Entry of Default Judgment, filed September 8, 2021

with all exhibits including:

- a. June 25, 2021 email from AMI to Liberty Mutual Insurance;
- b. August 3, 2021 email from Liberty Mutual Insurance to AMI;

5. Order Denying Motion to Set Aside Entry of Default, dated September 28, 2021;
6. Transcript of Hearing held on September 28, 2021 before The Honorable J. Derham Cole;
7. Memorandum in Support of Damages, filed December 17, 2021;
8. Transcript of Hearing held on December 20, 2021 before The Honorable Shannon M. Phillips with all exhibits including:
 - a. AM Industrial Invoice #105011;
 - b. Equipment Finance Agreement 11/1/2021;
 - c. Equipment Finance Agreement 08/19/2020;
 - d. Purchase Order;
 - e. AM Industrial Invoice #105011;
 - f. IES Innovative Invoice #7227;
 - g. Bend Tooling Invoice #105975;
 - h. IES Innovative Invoice #6974;
9. Proposed Order, filed February 18, 2022 including the following Post-Hearing Documents:
 - a. Saleen Purchase Order;
 - b. Blow-By-Racing Purchase Order;
 - c. Eberspacher Purchase Order;
 - d. Eberspacher Cancellation;
 - e. Lost Profits Spreadsheet;
10. Order Awarding Damages, dated February 21, 2022;

11. Notice of Appeal, filed March 21, 2022;
12. Notice of Cross-Appeal, filed March 25, 2022; and
13. Deposit of Judgment, filed April 26, 2022.

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

Respectfully submitted,

s/ Carmen V. Ganjehsani

Carmen V. Ganjehsani (S.C. Bar No. 73515)

R. Wilder Harte (S.C. Bar No. 101228)

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**ATTORNEYS FOR
APPELLANT-RESPONDENT
AM INDUSTRIAL GROUP, LLC**

June 8, 2022.

CERTIFICATE OF SERVICE

I, the undersigned, an employee of Richardson Plowden & Robinson, P.A., for Appellant-Respondent, AM Industrial Group, LLC, do hereby certify that I have this date served the foregoing Designation of Matter to be Included in the Record on Appeal, dated June 8, 2022, by personally serving the same pursuant to Section (d)(1) of the Supreme Court's Order dated May 6, 2022, on the following counsel of record using the primary email addresses listed in the Attorney Information System (if applicable):

Adam C. Bach (S.C. Bar No. 74885)
Emily R. Godwin (S.C. Bar No. 103708)
ELLER TONNENSON BACH, LLC
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**ATTORNEYS FOR RESPONDENT-APPELLANT
CUSTOM PERFORMANCE ENGINEERING, INC.**

A copy of the sent email is enclosed with this Certificate of Service.

s/ Carmen V. Ganjehsani
Carmen V. Ganjehsani
S.C. Bar No. 73515
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**ATTORNEYS FOR
APPELLANT-RESPONDENT
AM INDUSTRIAL GROUP, LLC**


Date: June 8, 2022.

Carmen Ganjehsani

From: Carmen Ganjehsani
Sent: Wednesday, June 08, 2022 12:51 PM
To: 'abach@etblawfirm.com'; 'egodwin@etblawfirm.com'
Cc: Wilder Harte
Subject: 2022-000348 Custom Performance Eng'g v. AM Industrial Group
Attachments: 2022-000348 Custom Perf. Eng'g v. AM Indus. (Am. Indus. Initial App. Brief).pdf;
2022-000348 Custom Perf. Eng'g v. AM Indus. (AM Indus. Designations).pdf

Pursuant to the Supreme Court's Order dated May 6, 2022, please find served upon you the Initial Appellant's Brief and Designation of Matter to be Included in the Appeal on behalf of Appellant-Respondent AM Industrial Group, LLC.

Thank you,
Carmen Ganjehsani

HOME	VCARD	LOCATION
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