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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENWOOD COUNTY
In the Court of Common Pleas

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MAY 08 2013

Frank R. Addy, Jr., Circuit Court Judge

SC Court of Appeals

Case No. 2010-CP-24-01236

Jennifer Harmon ScottAppellant,

vs.

Allen L. Fortner and Jason C. Griffin Respondents.

**RESPONDENTS' MOTION FOR LEAVE TO AMEND DESIGNATION OF
MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:

Pursuant to Rule 240, SCACR, Respondents Allen L. Fortner and Jason C. Griffin respectfully move this Court for leave to amend their Designation of Matter to be Included in the Record on Appeal ("Designation of Matter").

Respondents filed their original Designation of Matter on April 29, 2013, along with their Initial Brief. However, Respondents' counsel inadvertently omitted in their Designation of Matter two (2) documents cited on page 11 of Respondents' Initial Brief—Defendant's Exhibits 6 and 7—and three (3) documents cited on page 14 of Respondents' Initial Brief—Defendant's Exhibits 3, 4, and 5. Therefore, Respondents

respectfully request leave to include these additional documents as Items 10 – 14 of the Amended Designation of Matter. See Exhibit A to this Motion.

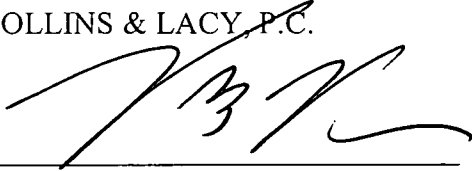
Additionally, counsel for Appellant and Respondents have consulted and agreed to limit the scope of the Record on Appeal. Respondents now move for leave to revise their original Designation of Matter to remove the video deposition DVDs from the Designation of Matter because Court's Exhibit 1 contains copies of the video deposition transcripts of both Dr. Sean Fuller and Dr. John Ertle. Therefore, the Amended Designation of Matter omits reference to videos of those depositions and instead designates Court's Exhibit 1 which includes both transcripts. The Fuller transcript is redacted to reflect testimony actually presented to the jury.

Counsel for Appellant has been consulted regarding this request for leave to amend, and counsel for Appellant joins in this request.

Respectfully submitted,

COLLINS & LACY, P.C.

By:



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ATTORNEYS FOR RESPONDENTS

Greenville, South Carolina
May 6, 2013

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENWOOD COUNTY
In the Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

Case No. 2010-CP-24-01236

Jennifer Harmon ScottAppellant,

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PROOF OF SERVICE

I hereby certify that I served Respondents' Motion for Leave to Amend Designation of Matter to be Included in the Record on Appeal upon Appellant by placing a copy in the United States mail, postage prepaid, to counsel of record, Jon E. Newlon, McCravy, Newlon & Sturkie Law Firm, P.A., 1629 ByPass 72 NE, Greenwood, South Carolina 29649, on May 6, 2013.

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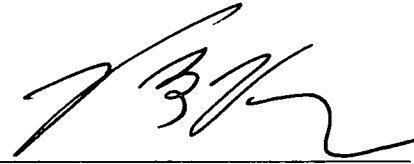
SC Court of Appeals

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

COLLINS & LACY, P.C.

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**PROOF OF SERVICE –
RESPONDENTS' MOTION FOR AN
EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENTS**

Greenville, South Carolina
May 6, 2013