

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Honorable Bentley D. Price, Circuit Court Judge

RECEIVED

AUG 22 2022

SC Court of Appeals

APPELLATE CASE NO.: 2022-000328

Mark Shaffer, as Personal Representative of the Estate of Susan Shaffer, Deceased, Appellant

v.

DEH Disaster Recover, LLC, Ceres Environmental Services, Inc.; Beaufort County, A Political Subdivision of the State of South Carolina; Ryan Colter Stoltz; Matt T. Dotson; Tim Tod Dotson; Brandi Dotson; Spencer A. Olson Trucking, LLC; Buyers Products, Co.; and TruckPro, LLC, Defendants

of which Ceres Environmental Services, Inc. and Beaufort County, A Political Subdivision of the State of South Carolina are the Appellant-Respondents.

and Spencer A. Olson Trucking, LLC, DEH Disaster Recovery, LLC, and Ryan Colter Stoltz are the Respondents.

APPELLANT'S DESIGNATION OF MATTER
TO BE INCLUDED IN RECORD ON APPEAL

The Appellant hereby designates the following documents to be included in the Record on Appeal:

1. Summons and Complaint filed August 24, 2017
2. Amended Complaint filed April 9, 2018
3. Second Amended Complaint filed February 7, 2017
4. Third Amended Complaint filed March 5, 2021
5. Stipulation of Dismissal as to ST Sales, LLC filed on April 22, 2019
6. Order Approving Settlement filed on December 28, 2020
7. Motion to Amend Complaint filed January 26, 2021 Ceres and Beaufort County Joint Motion for Summary Judgment filed September 24, 2021

8. Order Granting Joint Motion for Summary Judgment filed February 11, 2022
9. Plaintiff's Motion to Reconsider, Alter or Amend the Order Granting the Joint Motion for Summary Judgment filed February 18, 2022
10. Order Denying Motion for Reconsideration filed March 1, 2022
11. Debris Removal Contract
12. Deposition of Michael Napier taken on August 26, 2021
 - Pages 5 – 128
 - Exhibits 1, 2 and 3
13. Deposition of Jim Minor taken on October 20, 2020
 - Pages 5 – 38, 48 – 49, 56 – 62, 78 - 79
14. Deposition of David Preus taken on September 9, 2020
 - Pages 1 – 102
 - Exhibits 2, 3, 4, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32
15. Deposition of Gary Rogers taken on August 16, 2021
 - Pages 7 – 111
 - Exhibits 2, 11, 12, 13, 14, 24, 29, 30, 33, 37, 28, 39
16. Deposition of Michael Beevers taken on September 9, 2020
 - Pages 5 – 32, 39
17. Deposition of David Eby taken on July 20, 2021
 - Pages 5 – 28, 41 – 42, 46 – 47, 52, 55 – 59, 92
 - Exhibits 1, 2, 3, 4, 5, 6, 7, 10, 11
18. Deposition of Trooper John F. Conley taken on October 8, 2019
 - Pages 5 – 17, 23 – 28, 43 – 51, 54 – 55, 62 – 67, 87
 - Exhibit 76 (CES 000432 to 000503)
19. Deposition of Dodd Hartley taken on March 29, 2019
 - Pages 1, 9 11 – 14, 17, 52, 75, 85 – 92, 104, 109, 147 – 148
 - Exhibits 1, 4, 9, 10, 11, 20, 21, 24
20. Deposition of J. D. James taken on October 7, 2019
 - Pages 5, 36, 47 – 54, 67 – 71, 83 – 85, 129 - 138, 153
 - Exhibits 77, 78
21. Deposition of Trooper Z.A. Milsap taken on October 9, 2019
 - Pages 16 – 21, 51 - 64
22. Deposition of Scott Moorman taken on July 7, 2021
 - Pages 8 – 9, 33, 40
23. Deposition of Ryan Stoltz taken on March 28, 2019
 - Pages 25 – 28, 40, 43 – 44, 77 – 78, 84 – 99, 105 -109, 126, 131 – 132, 159 – 160, 194
 - All Exhibits *except* 7 and 8.
24. MAIT Photographs
 - DSC 4107
 - DSC 4111
 - DSC 4121
 - DSC 4122
 - DSC 4129
 - DSC 4133
 - DSC 4135

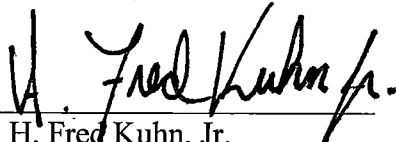
DSC 4149
DSC 4150
DSC 4157
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DSC 4166
DSC 4174
DSC 4177
DSC 4180
DSC 4195
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DSCN 47
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DSCN 61
DSCN 69
DSCN 70
DSCN 72
DSCN 80
DSCN 119
DSCN 121
DSCN 125
DSCN 142
DSCN 259
DSCN 260

25. Transcript of Hearing on Joint Motion for Summary Judgment

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

MOSS & KUHN, P.A.

By: 

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Attorneys for the Appellant

Beaufort, South Carolina
August 19, 2022

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of which Ceres Environmental Services, Inc. and Beaufort County, A Political Subdivision of the State of South Carolina are the Appellant-Respondents.

and Spencer A. Olson Trucking, LLC, DEH Disaster Recovery, LLC, and Ryan Colter Stoltz are the Respondents.

CERTIFICATE OF SERVICE

The undersigned certifies that the **Appellant's Designation of Matter to be Included in Record on Appeal** to which this certificate is affixed, was served upon the parties to this action by depositing a copy of the same, enclosed in a first class, postpaid wrapper properly addressed to the following:

Helen H. Hiser, Esquire
MCANGUS GOUDELOCK & COURIE, LLC
PO Box 650007
Mt. Pleasant, SC 29465

R. Patrick Flynn, Esquire
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Minneapolis, MN 55435

E. Mitchell Griffith, Esquire
GRIFFITH, FREEMAN & LIIPFERT, LLC
PO Box 570
Beaufort, SC 29901

in a post office or official depository under the exclusive care and custody of the United States

Postal Service on August 19, 2022.

MOSS & KUHN, P.A.

By: _____


Sue Radford

MOSS & KUHN, P.A.
ATTORNEYS AT LAW

JAMES H. MOSS
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AUG 22 2022

SC Court of Appeals

August 19, 2022

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Estate of Susan Shaffer v. DEH Disaster Recovery, LLC, et al.
Appellate Case No.: 2022-000328

Dear Mrs. Kitchings:

Enclosed please find the Appellant's Initial Brief and Appellant's Designation of Matter to be Included in the Record on Appeal. By copy of this letter and the enclosures, I am serving a copy of the same on all counsel of record. With kindest regards, I am

Very truly yours,

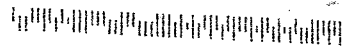
MOSS & KUHN, P.A.



H. Fred Kuhn, Jr.

HFKjr:sr
Enclosures

cc: R. Patrick Flynn, Esquire
Helen F. Hiser Esquire
E. Mitchell Griffith, Esquire
Julius W. Gernes, Esquire
Steven D. Pattee, Esquire
Mr. Mark Shaffer



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SC Court of Appeals

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To:

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211