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Oct 28 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Robert J. Bonds, Circuit Court Judge

Appellate Case No. 2022-000328

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

v.

DEH Disaster Recovery, LLC; Ceres Environmental Services, Inc.; Beaufort County, A Political Subdivision of the State of South Carolina; Ryan Colter Stolz; Matt T. Dotson; Tim Tod Dotson; Brandi Dotson; Spencer A. Olson Trucking, LLC; Byers 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 Appellants-Respondents,

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

**RESPONDENT SPENCER A. OLSON TRUCKING, LLC'S DESIGNATION OF
MATTER TO BE INCLUDED IN RECORD ON APPEAL**

Respondent Spencer A. Olson Trucking, LLC proposes that the following material be included in the Record on Appeal.

1. Summons & Complaint filed August 24, 2017;
2. Amended Complaint filed April 9, 2018;
3. Second Amended Complaint filed February 7, 2019;
4. Third Amended Complaint filed March 5, 2021;
5. Verified Petition for Settlement Approval of Wrongful Death filed November 25, 2020;
6. Order Granting Petition for Approval of Settlement of Wrongful Death filed December 28, 2020;
7. Motion to Amend Complaint filed January 26, 2021;
8. Order Granting Motion to Amend Complaint filed March 5, 2021;

9. Defendants Ceres Environmental Services, Inc. and Beaufort County's Answer to Plaintiff's Third Amended Complaint, and Cross Claims against Defendants Ryan Colter Stolz; DEH Disaster Recovery, LLC; Spencer A. Olson Trucking, LLC; Matt T. Dotson; Tim Tod Dotson; Brandi Dotson; Dotson & Son Logging, Inc.; Buyers Products Co.; TruckPro, LLC; ST Sales, LLC; and Tetra Tech, Inc. filed March 18, 2021;
10. Spencer A. Olson Trucking, LLC Reply to the Answer to Third Amended Complaint and Crossclaims of Ceres Environmental Services, Inc. and Beaufort County filed April 2, 2021;
11. Spencer A. Olson Trucking, LLC Motion for Summary Judgment filed July 20, 2021;
12. Spencer A. Olson Trucking, LLC Motion for Summary Judgment filed August 4, 2021;
13. Spencer A. Olson Trucking, LLC's Memorandum in Support of Summary Judgment against Ceres Environmental Services, Inc.'s Cross-Claim filed July 2021;
14. Spencer A. Olson Trucking, LLC's Memorandum in Support of Summary Judgment against Ceres Environmental Services, Inc.'s Cross-Claim filed August 4, 2021;
15. Form 4 Order Granting Olson Motion for Summary Judgment filed December 2, 2021;
16. Order Granting Spencer A. Olson Trucking, LLC's Motion for Summary Judgment Against Ceres Environmental Services, Inc. and Beaufort County Cross Claims filed March 10, 2022;
17. Defendants Ceres Environmental Services, Inc. and Beaufort County's Notice of Motion and Motion to Alter, Amend, and/or for Rehearing and Reconsideration of the Order Granting Summary Judgment in favor of Defendant Spencer A. Olson Trucking, LLC filed December 10, 2021;
18. Ceres Environmental Master Subcontract Agreement;
19. Subcontractor Contract between Olson and DEH;
20. Transcript of Spencer A. Olson deposition: pp. 13; 17-19; 25; 46-48;
21. Transcript of Ryan Stolz deposition: pp. 19-21
22. Transcript of hearing before the Honorable Robert J. Bonds on October 28, 2021;
23. Transcript of hearing before the Honorable Robert J. Bonds on February 11, 2022.

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

GRIFFITH, FREEMAN & LIIPFERT, LLC

s/Kelly Dennis Dean

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***Attorneys for Respondent Spencer A. Olson
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Beaufort, South Carolina

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

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

PROOF OF SERVICE

I certify that I have served *Respondent Spencer A. Trucking, LLC's Initial Brief* and Respondent's *Designation of Matter* on counsel of record on October 28, 2022 by emailing a copy of it as follows:

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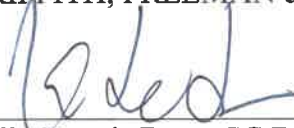
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Beaufort, South Carolina
October 28, 2022

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The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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RE: Mark Shaffer, as Personal Representative of the Estate of Susan Shaffer, Deceased v. Ryan Colter Stoltz, DEH Disaster Recovery, LLC, Ceres Environmental Services, Inc., Beaufort County A Political Subdivision of the State of South Carolina, Matt T. Dotson, Tim Tod Dotson, Brandi Dotson, Dotson & Son Trucking, LLC, Spencer A. Olson Trucking, LLC, Buyers Products Company, TruckPro, LLC, ST Sales, LLC and Tetra Tech, Inc.

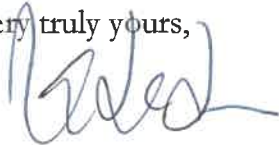
Civil Action No.: 2017-CP-07-01739 (Beaufort)
Date of Incident: May 3, 2017
Appeal No.: 2022-000328
GF&L File No: 1360-001

Dear Ms. Kitchings:

Please find enclosed the Initial Brief of Respondent Spencer A. Olson Trucking, LLC, Respondent's Designation of Matter to be Included in the Record on Appeal, and Respondents' Proof of Service.

Thank you for your assistance. If you have any questions, please do not hesitate to contact me. With kindest regards, I remain

Very truly yours,



Kelly D. Dean

KDD/

Enclosures

cc: Counsel of Record (via email only)