

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Deadra L. Jefferson, Circuit Court Judge

Case No. 2010-CP-10-9917

RECEIVED
JUN 10 2013
SC Court of Appeals

Rolando Santiago, as the Personal Representative of the
Estate of Jose Hernandez-Arizmendi a/k/a Eduardo Gomez-Ortiz, Appellant

vs.

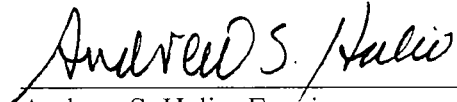
Chloe Engel, U.S. Group, Inc., Southern Concrete and Construction,
Inc., Sanders Brothers Construction Company, Inc., J. Moore Electrical
Contractors, Inc., and Charleston County, Defendants

of whom
Chloe Engel is Respondent.

MOTION TO STRIKE

Pursuant to Rules 240 and 210 (c), S.C.A.C.R., the Respondent, Chloe Engel,
moves the Court for an order striking from the Record on Appeal the documents
identified in Appellant's Designation of Matter to be Included in the Record on
Appeal as items 6 and 7, "Autopsy Report" and "Coroner's Report," on the ground
that these documents are not part of the Circuit Court record. Appellant's
Designation of Matter and the Court Reporter's Indices to Exhibits from the trial
transcript are attached hereto in support of this motion. As it is apparent that these

documents are not part of the Circuit Court record, they should be stricken from the
Record on Appeal.



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Attorneys for the Respondent

June 7, 2013

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Deadra L. Jefferson, Circuit Court Judge

Case No. 2010-CP-10-9917

Rolando Santiago, as the Personal Representative of the
Estate of Jose Hernandez-Arizmendi a/k/a Eduardo Gomez-Ortiz, Appellant

vs.

Chloe Engel, *et. al*, Defendants
of whom
Chloe Engel is Respondent.

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

Appellant proposes the following be included in the Record on Appeal:

1. Form 4 Order of July 25, 2012, entered July 30, 2012;
2. Verdict Form of July 25, 2012;
3. Transcript of proceedings pp. 84-90, 92-94, 96-99, 102-122, 124-127, 132, 147-150, 178-179, 205, 210, 213-217, 223, 288-290, 293-300, 302, 306, 316-317, 321, 323, 329-336, 415-416, 444, 447, 455-456, 519, 540-541, 543, 546-549;
4. Complaint;
5. Court's Exh. No. 11;
6. Autopsy Report;
7. Coroner's Report.

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

June 3, 2013



John S. Nichols
Bluestein, Nichols, Thompson & Delgado, LLC
P.O. Box 7965
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STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON) CASE NO.: 2010-CP-10-9917

ROLANDO SANTIAGO AS THE PERSONAL)
REPRESENTATIVE OF THE ESTATE OF)
JOSE HERNANDEZ-ARIZMENDI,)
A/K/A EDUARDO GOMEZ-ORTIZ,)

PLAINTIFF,)

VS.)

CHLOE ENGEL, ET AL,)

DEFENDANT.)

JURY TRIAL

VOLUME 1 OF 3

held before the Honorable Deadra L. Jefferson
Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
in the Charleston County Courthouse
Charleston, South Carolina
on July 23, 2012, Commencing at 11:18 a.m.

SUSAN "MIA" PERRON, CVR-CM-M
Circuit Court Reporter - 9th Judicial Circuit
Post Office Box 31865
Charleston, South Carolina 29417-1865
1-706-231-6028

COPY

INDEX TO EXHIBITS

	MARKED/ADMITTED
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STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON) CASE NO.: 2010-CP-10-9917

ROLANDO SANTIAGO AS THE PERSONAL)
REPRESENTATIVE OF THE ESTATE OF)
JOSE HERNANDEZ-ARIZMENDI,)
A/K/A EDUARDO GOMEZ-ORTIZ,)

PLAINTIFF,)

VS.)

CHLOE ENGEL, ET AL,)

DEFENDANTS.)

JURY TRIAL

VOLUME 2 OF 3

held before the Honorable Deadra L. Jefferson
Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
in the Charleston County Courthouse
Charleston, South Carolina
on July 24, 2012, Commencing at 9:38 a.m.

SUSAN "MIA" PERRON, CVR-CM-M
Circuit Court Reporter - 9th Judicial Circuit
Post Office Box 31865
Charleston, South Carolina 29417-1865
1-706-231-6028

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STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT
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ROLANDO SANTIAGO AS THE PERSONAL)
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JOSE HERNANDEZ-ARIZMENDI,)
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PLAINTIFF,)

VS.)

CHLOE ENGEL, ET AL,)

DEFENDANTS.)

JURY TRIAL

VOLUME 3 OF 3

held before the Honorable Deadra L. Jefferson
Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
in the Charleston County Courthouse
Charleston, South Carolina
on July 25, 2012, Commencing at 9:40 a.m.

SUSAN "MIA" PERRON, CVR-CM-M
Circuit Court Reporter - 9th Judicial Circuit
Post Office Box 31865
Charleston, South Carolina 29417-1865
1-706-231-6028

COPY

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
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Deadra L. Jefferson, Circuit Court Judge

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Rolando Santiago, as the Personal Representative of the
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vs.

Chloe Engel, U.S. Group, Inc., Southern Concrete and Construction,
Inc., Sanders Brothers Construction Company, Inc., J. Moore Electrical
Contractors, Inc., and Charleston County, Defendants

of whom
Chloe Engel is Respondent.

PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below, he served
counsel for the Appellant with a copy of the *Motion to Strike* by mailing copies of
the same by United States Mail with first class postage prepaid to the following
addresses:

John S. Nichols, Esq.
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Robert V. Phillips, Esq.
Attorney at Law
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Bamberg, SC 29003



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Attorneys for the Respondent

June 7, 2013

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June 7, 2013

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

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JUN 10 2013

SC COURT OF APPEALS

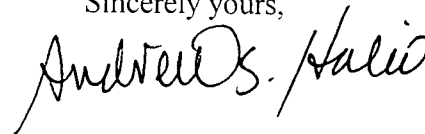
Re: *Rolando Santiago, as P.R. of the Estate of
Jose Hernandez-Arizendi a/k/a Eduardo Gomez-
Ortiz v. Chloe Engel, et al.*
Case Tracking No.: 2012-212708

Dear Ms. Kitchings:

Please find enclosed an original and seven (7) copies of a Motion to Strike and an original and one copy of Proof of Service along with a check in the amount of \$25.00 for the filing fee. Please return clocked copies of the motion and the Proof of Service in the enclosed envelope.

Thank you for your attention to this matter.

Sincerely yours,



Andrew S. Halio

Enclosures

cc: John S. Nichols, Esq.
Robert V. Phillips, Esq.
Daniel W. Luginbill, Esq.
Dale E. Van Slambrook, Esq.