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**Jan 23 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas

William B. McKinnon, Circuit Court Judge

Appellate Case No. 2022-000288

Angela Patton, as Next Friend of Alexia L., a minor, ..... Respondent,

v.

Dr. Gregory A. Miller and Rock Hill Gynecological & Obstetrical Associates, P.A., ..... Appellants.

APPELLANTS' DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL

Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Appellants Dr. Gregory A. Miller and Rock Hill Gynecological & Obstetrical Associates, P.A. (together, "Appellants") designate the following material for inclusion in the record on appeal:

**Orders**

1. Form 4 Order Consolidating Cases filed July 12, 2012;
2. Order Granting Partial Summary Judgment filed August 2, 2013;
3. Order Denying Plaintiff's Motion for Leave to Amend Complaint and Motion to Alter or Amend filed November 16, 2013;
4. Consent Scheduling Order filed December 12, 2017;
5. Order Approving Partial Settlement of Action filed April 5, 2018;
6. Form 4 Order Denying Plaintiff's Motion for Partial Summary Judgment filed October 31, 2018;

7. Form 4 Order Granting Plaintiff's Motion to Stay filed October 31, 2018;
8. Form 4 Order Regarding Status Conference filed January 9, 2019;
9. Form 4 Order Regarding Status Conference filed April 22, 2019;
10. Form 4 Order Regarding Status Conference filed July 3, 2019;
11. Form 4 Order Regarding Status Conference filed September 30, 2019;
12. Form 4 Order Regarding Status Conference filed January 24, 2020;
13. Scheduling Order filed September 1, 2020;
14. Form 4 Order Denying Motion for Recusal filed December 2, 2021;
15. Post-Trial Order and Judgment filed March 3, 2022;

### **Pleadings**

16. Complaint dated November 25, 2009;
17. Answer of Defendants dated January 12, 2010;
18. Amended Complaint filed November 29, 2012;
19. Appellants' Amended Answer filed September 3, 2020;

### **Transcripts**

20. December 2, 2021 Pretrial Hearing Transcript pp. 1-14;
21. Trial Transcript pp. 1-1149;
22. February 16, 2022 Post-Trial Hearing Transcript pp. 1-23;

### **Motions and Memoranda**

23. Motion to Consolidate filed July 12, 2012;
24. Amisub's Motion for Partial Summary Judgment filed April 29, 2013;
25. Appellants' Motion for Partial Summary Judgment filed May 24, 2013;

26. Amisub's Memorandum in Support of its Motion for Partial Summary Judgment filed July 18, 2013;
27. Plaintiff's Memorandum in Opposition to Motion for Partial Summary Judgment filed July 22, 2013;
28. Plaintiff's Motion for Leave to Amend Complaint filed August 16, 2013;
29. Plaintiff's Memorandum in Support of Motion to Alter or Amend filed August 16, 2013;
30. Appellants' Memorandum in Opposition to Motion for Leave to Amend Complaint filed September 23, 2013;
31. Amisub's Memorandum in Opposition to Motion for Leave to Amend Complaint filed October 18, 2013;
32. Plaintiff's Verified Petition Seeking Approval of Partial Settlement filed April 3, 2018;
33. Plaintiff's Motion for Partial Summary Judgment, or in the Alternative, an Order Granting a Stay of Trial Until Pending Appeals in Other Cases Resolve Material Issues Likely to Arise in This Case filed October 8, 2018;
34. Appellants' Motion to Amend Answer filed August 6, 2020;
35. Appellants' Motion for Status Conference filed August 6, 2020, with attached exhibit;
36. Appellants' Motion in Limine filed November 19, 2020, with attached exhibits;
37. Appellants' Motion for Recusal filed November 15, 2021;
38. Plaintiff's Memorandum in Opposition to Motion for Recusal filed December 2, 2021;

39. Appellants' Motion for a New Trial or, Failing That, for Statutory Reduction of Non-Economic Damages filed January 24, 2022;

40. Appellants' Memorandum in Support of Motion for New Trial filed February 14, 2022, without exhibits;

41. Plaintiff's Memorandum in Opposition to Appellants' Motion for a New Trial or, Failing That, for Statutory Reduction of Non-Economic Damages filed February 16, 2022, without exhibits;

42. Plaintiff's Second Memorandum in Opposition to Appellants' Motion for a New Trial or, Failing That, for Statutory Reduction of Non-Economic Damages filed February 16, 2022;

43. Appellants' Supplemental Memorandum in Support of Motion for New Trial filed February 17, 2022;

44. Appellants' Memorandum Regarding Judgment Amount filed February 22, 2022;

**Other Materials**

45. Offer of Judgment filed October 4, 2010;

46. June 26, 2013 Deposition of Dr. Edith Gurewitsch;

47. Plaintiff's Notice of Appeal filed January 21, 2014, without attached orders;

48. Remittitur Issued by South Carolina Supreme Court filed August 8, 2016;

49. Verdict Form dated January 14, 2022, and filed March 3, 2022;

50. Appellants' Notice of Appeal filed March 11, 2022.

The undersigned counsel certifies, pursuant to Rule 209(c) of the South Carolina Appellate Court Rules, that this designation contains no matter which is irrelevant to the appeal.

*(signature page attached)*

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: *s/ C. Mitchell Brown* \_\_\_\_\_

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Columbia, South Carolina

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v.

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PROOF OF SERVICE

I, the undersigned Paralegal of the law offices of Nelson Mullins Riley & Scarborough LLP, Attorneys for Gregory A. Miller, M.D. and Rock Hill Gynecological & Obstetrical Associates P.A., do hereby certify that I served all counsel in this action with a copy of the pleading(s) hereinbelow by emailing a copy to each attorney listed below using their primary email address listed in the Attorney Information System.

Pleading(s):                    **Appellants' Designation of Matter for the Record on Appeal**

Served:                        Edward L. Graham  
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**s/Meredith S. Keane**

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Meredith S. Keane  
Senior Paralegal

January 23, 2023

**Archived:** Monday, January 23, 2023 2:10:17 PM

**From:** [Meredith Keane](#)

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**Cc:** [Meredith Keane](#) [Mitch Brown](#) [Lorin Lapidus](#) [Nick Charles](#)

**Subject:** Angela Patton, et.al v. Dr. Gregory A. Miller, et. al - Appellate Case No 2022-000288 - SERVICE Package

**Importance:** Normal

**Sensitivity:** None

**Attachments:**

[2023.01.23 Appellants Designation of Matter for Record on Appeal .pdf](#) [2023.01.23 Initial Brief of Appellants .pdf](#)  
[2023.01.23 Proof of Service for Appellants' Designation of Matter .pdf](#) [2023.01.23 Proof of Service for Appellants' Initial Brief .pdf](#)

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Counsel,

Enclosed for service in the above matter are:

Appellants' Initial Brief and Proof of Service

Appellants' Designation of Matter and Proof of Service

Service is being made pursuant to Supreme Court Administrative Orders 01-28-2022-01 and 05-06-2022-03.



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