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SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Georgetown County
Court of Common Pleas
William H. Seals Jr., Circuit Court Judge

Case No. 2019-CP-22-00503
App. No. 2022-001756

Casey A. Wesley, individually and as personal
representative of the Estate of Howard Wayne Wesley,

Respondent,

v.

Jay Thomas Johnson, M.D.,

Appellant.

**INITIAL BRIEF OF APPELLANT
JAY THOMAS JOHNSON, M.D.**

Pursuant to Rule 209, SCACR, Appellant Jay Thomas Johnson, M.D. proposes the following be included in the Record on Appeal:

ORDERS

Stipulation of Dismissal of Dr. Ratliffe, filed 12/3/2020;

Order [J. Price] granting summary judgment, filed 2/10/2021;

Order [J. Price] granting motion for reconsideration, filed 2/22/2021;

Stipulation of dismissal of Waccamaw Community Hospital, filed 6/6/2022;

Form 4 Order [J. Seals] granting partial summary judgment to Plaintiff and denying Dr. Johnson's motion for summary judgment, filed 11/18/2022;

PLEADINGS/MOTIONS

Amended Complaint, filed 1/30/2020;

Dr. Johnson Answer to Amended Complaint, filed 2/12/2020;

Dr. Johnson Motion [and memorandum] for Summary Judgment, filed 10/5/2020;

Dr. Johnson Supplemental Memorandum in Support of Summary Judgment motion, filed 1/18/21, with exhibits:

Ex. 1 – Deposition of Karin Wesley;

Ex. 2 – Deposition of Reed Wesley;

Ex. 3 – Deposition of Casey Wesley;

Plaintiff Memorandum in Opposition to summary judgment, filed 1/18/2021, with exhibits:

Ex. 1 – ER Records;

Ex. 2 – Karin Wesley Deposition excerpts;

Ex. 3 – Casey Wesley Deposition excerpts;

Ex. 4 - THREE RIVERS BEHAVIORAL HEALTH 0014;

Ex. 5 – Reed Wesley Deposition excerpts;

Ex. 6 – Karin Wesley Journal 0001-0060;

Ex. 7 – ER physician schedule;

Ex. 8 – Dr. Ratliffe deposition excerpts;

Ex. 9 – Dr. Johnson deposition excerpts;

Plaintiff Motion for Reconsideration, filed 2/12/2021;

Plaintiff Motion for Partial Summary Judgment, filed 8/31/2022;

Dr. Johnson Motion for Summary Judgment, filed 9/1/2022;

Dr. Johnson Memorandum in Support of Motion for Summary Judgment, filed 11/14/2022, exhibits:

Karin Wesley Deposition excerpts;

Casey Wesley Deposition excerpts;

Plaintiff Motion in support of Motion for Partial Summary judgment and in opposition to Dr. Johnson's motion, filed 11/15/2022, with exhibits:

Ex. 1 – Karin Wesley Deposition excerpts;

Ex. 2 – Discharge summary from Three Rivers Behavioral – 2013;

Ex. 3 – Casey Wesley Deposition excerpts;

Ex. 4 – Reed Wesley Deposition excerpts;

Ex. 5 – Excerpts from Karin Wesley's journal;

Ex. 6 – MD schedule for Waccamaw Hospital ER June 14 – 16, 2017;

Ex. 7 – Waccamaw Hospital ER records – excerpts;

Ex. 8 – Dr. Ratliffe Deposition excerpts;

Ex. 9 – Dr. Johnson Deposition excerpts;

Ex. 10 - Investigator Jonathan Griffith Deposition excerpts;

Ex. 11 - Dr. Bourne Deposition;

Ex. 12 – Dr. Frierson Deposition excerpts;

Ex. 13 - Waccamaw Center for Mental Health excerpts;

Ex. 14 –Tiffany N. Provence Deposition excerpts;

Ex. 15 – Affidavit of Leigh Powers Boan, Probate Judge for Georgetown County;

Ex. 16 –Geraldine K. Smalls Deposition excerpts;

Ex. 17 –Lashanda V. Nesmith Deposition excerpts;

Dr. Johnson Memorandum in opposition to Plaintiff's motion, filed 11/15/2022, with exhibits:

Ex. 1 - Karin Wesley Deposition excerpts;

Ex. 2 – Casey Wesley Deposition excerpts;

OTHER MATTERS

Transcript of Hearing 11/17/22;

Notice of Appeal, filed 12/14/2022; and

Trial Court Docket for 2019-CP-22-00503.

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

/s/ Robert H. Hood, Jr.
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