

**RECEIVED**

**Mar 22 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM SUMTER COUNTY  
Court of Common Pleas  
R. Kirk Griffin, Circuit Court Judge

Civil Action No. 2019-CP-43-02375

---

Appellate Case No. 2023-000074

---

Ex Parte: Liberty Mutual Insurance Company and Horace Mann Property and Casualty Insurance  
Company, Respondents,

In Re:

Howell D. Thompson and Tara L. Thompson,

Appellants,

v.

Carlos D. Toney

Defendant

---

---

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

---

Pursuant to Rule 209, SCACR, Appellants Howell D. Thompson and Tara L. Thompson designate the following material for inclusion in the record on appeal. The undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to this appeal.

1. Summons and Complaint, filed December 5, 2019
2. Certificate of Service of Horace Mann, filed December 19, 2019
3. Certificate of Services of Liberty Mutual, filed December 20, 2019
4. Notice of Appearance of UM Carrier and Answer, filed January 2, 2020

5. Answer of Horace Mann, filed January 7, 2020
6. Amended Answer of Liberty Mutual, filed February 20, 2020
7. Liberty Mutual's Motion to Change Venue, filed March 24, 2020
8. Plaintiffs' Response to Motion to Transfer Venue and exhibit, filed March 26, 2020
9. Liberty Mutual's Memorandum in Support of Motion to Change Venue, filed June 17, 2020
10. Liberty Mutual's Supplemental Memorandum in Support of Motion to Change Venue and exhibits, filed July 8, 2020
11. Plaintiffs' Memorandum in Opposition to Motion to Change Venue and exhibits, filed July 10, 2020
12. July 22, 2020 Hearing Transcript
13. Order, filed July 24, 2020
14. Consent Scheduling Order, filed September 21, 2020
15. Second Consent Scheduling Order, filed March 4, 2021
16. Consent Motion to Extend Scheduling Order, filed May 26, 2021
17. Third Scheduling Order, filed June 1, 2021
18. Plaintiffs' Motion for Protective Order, filed July 14, 2021
19. July 14, 2021 Hearing Transcript
20. Order Granting Motion for Protection, filed July 15, 2021
21. Order, July 22, 2021
22. Consent Motion to Extend Scheduling Order, filed September 15, 2021
23. Fourth Scheduling Order, filed September 15, 2021
24. Liberty Mutual's Motion to Dismiss or, in the alternative, Motion for Summary Judgment, filed October 26, 2021
25. Horace Mann's Motion to Dismiss, filed October 29, 2021
26. Proof of ADR, filed November 8, 2021
27. Liberty Mutual's Memorandum in Support, filed November 30, 2021
28. Plaintiffs' Memorandum in Opposition with exhibits, filed December 15, 2021
29. Liberty Mutual's Reply with exhibits, filed December 21, 2021
30. Liberty Mutual's Motion for Continuance, filed January 4, 2022
31. Order Granting Continuance, filed January 6, 2022
32. January 6, 2022 Hearing Transcript
33. Plaintiffs' Supplemental Memorandum in Opposition with exhibits, filed January 27, 2022

34. Liberty Mutual's Reply, filed February 14, 2022
35. Order, filed August 29, 2022
36. Plaintiffs' Motion to Alter or Amend with exhibits, filed September 7, 2022
37. Liberty Mutual's Memorandum in Opposition, filed September 23, 2022
38. Order, filed December 21, 2022
39. Notice of Appeal, filed January 19, 2023

*s/Shanon N. Peake*

G. Murrell Smith, Jr.

Jonathan M. Robinson

**Shanon N. Peake**

2530 Devine Street

Columbia, SC 29204

803-254-5445

murrell@smithrobinsonlaw.com

jon@smithrobinsonlaw.com

shanonp@smithrobinsonlaw.com

John D. Kassel

Theile B. McVey

Jamie Raw Rutkoski

P.O. Box 1476

Columbia, SC 29202

803-256-4242

JKassel@kassellaw.com

Andrew N. Safran

P.O. Box 12089

Columbia, SC 29211

803-256-6689

msa6631@aol.com

*Counsel for Appellants*

Columbia, South Carolina

March 22, 2023.