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Jul 20 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

DeAndrea Gist Benjamin, Circuit Court Judge

Case No. 2018-CP-29-01127
Appellate Case No. 2022-001589

Paul David Hess, APRN-BC,..... Respondent-Appellant

v.

Morphis Pediatric Group of Lancaster, P.A.; Elizabeth J.
Morphis, M.D.; Gregory M. Alexander, CPA; and
Moore Beauston and Woodham, LLP,..... Defendants

Of whom Morphis Pediatric Group of Lancaster, P.A. and
Elizabeth J. Morphis, M.D. are. Appellants-Respondents

RESPONDENT-APPELLANT’S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Respondent-Appellant, Paul David Hess, APRN-BC, by and through his undersigned counsel, hereby proposes the following items to be included in the Record on Appeal, in addition to the information previously listed in Respondent-Appellant’s Initial Brief on Cross-Appeal, and in addition to the items listed in Appellants-Respondents’ Designation of Matters to Be Included in the Record on Appeal:

1. Trial transcript, Vol. 1: pp. 1-88, 92-95, 102-118, 123-125;
2. Trial transcript, Vol. 2: pp. 1-10, 17-22, 28-29, 37-38, 43-52, 69, 73-74, 76-77, 79, 89-99, 102-132, 143-153, 159-173, 176-182, 185-217, 221-222, 232-242, 248, 272-278, 283-286, 287, 303, 325-333, 344-345, 348-354, 360-361, 365-374, 378-383, 400, 420, 428-452, 464-466, 470-471, 478, 489-490, 493-496, 498, 501-503, 506-511, 514, 518;
3. Trial transcript, Vol. 3: pp. 1-4, 9-10, 44-52, 56, 63, 81-82, 97, 101-106, 109, 112, 121-124, 132, 134-135, 137-145, 148, 151-154, 163-163, 223-227, 235-253, 278-286;
4. Plaintiff’s Ex. 1 (2010 Employment Agreement, and Appendix A);

5. Plaintiff's Ex. 2 (May 27, 2015 email from Morphis to Alexander, Re: Preparing for meeting w/ Hess);
6. Plaintiff's Ex. 3 (May 28, 2015 email from Alexander to Morphis, with spreadsheet);
7. Plaintiff's Ex. 4 (May 28, 2015 email from Alexander to Morphis and Hess, with spreadsheet);
8. Plaintiff's Ex. 5 (Email thread between Morphis and Alexander, Feb. 4, 2015 to Feb. 16, 2015);
9. Plaintiff's Ex. 6 (Email thread between Morphis and Woodham, Dec. 30, 2010);
10. Plaintiff's Ex. 7 (Morphis hand-written bonus calculations);
11. Plaintiff's Ex. 8 (MPGL annual board meeting minutes, 2010-2015);
12. Plaintiff's Ex. 9 (MPGL Profit & Loss statements, 2010-2015);
13. Plaintiff's Ex. 11 (MPGL Payroll Summary, Morphis, 2010-2015);
14. Plaintiff's Ex. 12 (MPGL Payroll Summary, Hess, 2010-2015);
15. Plaintiff's Ex. 14 (Excerpts from MPGL federal tax returns, 2010-2015);
16. Plaintiff's Ex. 15 (Excerpts from MPG Hartsville federal tax returns, 2010-2015);
17. Plaintiff's Ex. 16 (MPGL Income Statement, May 2015 and Jan.-May 2015);
18. Plaintiff's Ex. 18 (Dec. 30, 2015 Employment Agreement between MPGL and Hess);
19. Plaintiff's Ex. 19 (Damages Summary, 2010-2015);
20. Defendants' Ex. 5 (Morphis email of Dec. 20, 2015);
21. Verdict Form, Morphis Defendants Punitive Damages, Feb. 2, 2022;
22. Verdict Form, apportionment of fault on negligent misrepresentation claim, Feb. 2, 2022;
23. Answer of Morphis Defendants;
24. Morphis Defendants' Motion for Directed Verdict (Jan. 28, 2022);
25. Morphis Defendants' Motion for JNOV (Feb. 14, 2023);
26. Morphis Defendants' Motion for Remittitur (Feb. 14, 2023)

The undersigned certifies that this Designation contains no matter which is irrelevant to this appeal.

July 20, 2023

s/ David E. Rothstein
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