

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

The Honorable J. Mark Hayes, II, Circuit Court Judge

Appellate Case No. 2022-001312

Heidi Gersten, Ivanka Ayoub, Daniel Hubbard, Plaintiffs,

Of whom Heidi Gersten is theAppellant,

v.

Kevin Carter, Richard Davis, Joseph Tirbovich, Nationwide Insurance Company,
Interinsurance Exchange of the Automobile Club, John Ammendola, Trustgard
Insurance Company, SC Department of Public Safety, Chevrolet, GMC, Unknown
John Does, Defendants,

Of whom Kevin Carter is theRespondent.

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

Respondent Kevin Carter proposes the following documents to be included in the Record
on Appeal:

1. Summons and Claim for Property Damage filed February 21, 2018 in Case No. 2018-CP-12-00074;
2. Summons and Complaint filed March 16, 2018 in Case No. 2018-CP-12-00117;
3. Kevin Carter’s and Richard Davis’ Motion to Dismiss or, in the alternative, Motion to Strike and Sever filed April 16, 2018 in Case No. 2018-CP-12-00074;
4. Kevin Carter’s and Richard Davis’ Motion to Dismiss and Motion to Strike or, in the alternative, Sever filed April 16, 2018 in Case No. 2018-CP-12-00117;

5. Order consolidating cases filed April 26, 2018;
6. Order granting Defendants Kevin Carter's and Richard Davis' Motion to Dismiss filed September 19, 2018;
7. Order granting Defendant Interinsurance Exchange of the Automobile Club's Motion to Dismiss filed September 19, 2018;
8. Order granting Defendants South Carolina Department of Public Safety's and Trooper Herbert Blackwell's Motion to Dismiss filed September 21, 2018;
9. Order granting Defendants Nationwide Insurance Company's and Joseph Turbovich's Motion to Dismiss filed September 21, 2018;
10. Order granting Defendants Trustgard Insurance Company's and John Ammendola's Motion to Dismiss filed September 24, 2018;
11. Affidavit of Facts filed January 31, 2019 in Appellate Case No. 2018-002115;
12. Notice of Appeal filed November 27, 2018 in Appellate Case No. 2018-002115;
13. Kevin Carter's and Richard Davis' Motion to Dismiss Appeal and Memorandum in Support filed January 31, 2019 in Appellate Case No. 2018-002115;
14. Letter from the Court of Appeals to Gersten and Ayoub dated February 15, 2019 in Appellate Case No. 2018-002115;
15. Court of Appeals Order filed April 9, 2019 in Appellate Case No. 2018-002115;
16. Court of Appeals Order filed May 14, 2019 in Appellate Case No. 2018-002115;
17. Court of Appeals Order dismissing appeal filed May 14, 2019 in Appellate Case No. 2018-002115;
18. Petition for Rehearing filed May 29, 2019 in Appellate Case No. 2018-002115;
19. Court of Appeals Order denying petition for rehearing filed July 30, 2019 in Appellate Case No. 2018-002115;
20. Petition for Writ of Certiorari filed September 26, 2019 in Appellate Case No. 2019-001484;
21. Supreme Court Order denying petition for writ of certiorari filed April 24, 2020 in Appellate Case No. 2019-001484;
22. June 23, 2020 Remittitur from the Court of Appeals filed June 26, 2020 in Case No. 2018-CP-12-00117;

23. Carter's First Set of Interrogatories and Requests for Production with certificate of service filed August 26, 2020 in Case No. 2018-CP-12-00117;
24. August 13, 2020 Letter to Gersten filed August 26, 2020 in Case No. 2018-CP-12-00117;
25. Carter's Motion to Compel or, in the alternative, Motion to Dismiss for Failure to Prosecute filed August 26, 2020 in Case No. 2018-CP-12-00117;
26. December 18, 2020 Motions Roster Letter to Gersten filed on December 18, 2020 in Case No. 2018-CP-12-00117;
27. Gersten's "Emergency Notice of Objection to and Request/or Motion for Order and Objection to and Request/or Motion for Order for Continuance of Scheduled Telephonic Hearing Thursday July 28, 2022, at 10:00 AM Due to Illness Pursuant to Rule SCRCP and Exhibits and Americans With Disabilities Reasonable Accommodation Request (Title II) and Request for Clarification" emailed to the Court on July 28, 2022;
28. July 28, 2022 Hearing Transcript in Case No. 2018-CP-12-00117;
29. Carter's Motion to Dismiss Claims of Ivanka Ayoub filed July 28, 2022 in Case No. 2018-CP-12-00117;
30. August 18, 2022 Hearing Transcript in Case No. 2018-CP-12-00117;
31. Order dismissing case filed August 22, 2022 in Case No. 2018-CP-12-00117;
32. Gersten's Motion for Continuance filed August 22, 2018 in Case No. 2018-CP-12-00117;
33. Gersten's Motion for Extension of Time to File Initial Brief filed December 27, 2018 in Appellate Case No. 2018-002115;
34. Gersten's Motion for Extension of Time filed February 8, 2019 in Appellate Case No. 2018-002115;
35. Gersten's Motion to Allow Late Filing filed February 19, 2019 in Appellate Case No. 2018-002115;
36. Gersten's Motion for Extension of Time filed March 1, 2019 in Appellate Case No. 2018-002115;
37. Gersten's Motion for Extension of Time filed March 12, 2019 in Appellate Case No. 2018-002115;
38. Gersten's Motion for Extension of Time filed March 21, 2019 in Appellate Case No. 2018-002115;

39. Gersten's Motion for Extension of Time filed March 28, 2019 in Appellate Case No. 2018-002115;
40. Gersten's Motion for Extension of Time filed April 8, 2019 in Appellate Case No. 2018-002115;
41. Gersten's Motion for Extension of Time filed April 18, 2019 in Appellate Case No. 2018-002115;
42. Gersten's Motion for Extension of Time filed April 29, 2019 in Appellate Case No. 2018-002115;
43. Gersten's Motion to Reinstate Appeal or Motion for Extension of Time filed May 31, 2019 in Appellate Case No. 2018-002115;
44. Gersten's Motion for Extension of Time filed September 4, 2019 in Appellate Case No. 2019-001484;
45. Gersten's Motion for Extension of Time filed November 7, 2019 in Appellate Case No. 2019-001484; and
46. Gersten's Motion for a Continuance filed January 4, 2021 in Case No. 2018-CP-12-00117.

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

Respectfully submitted,

s/Wesley B. Sawyer
Wesley B. Sawyer, Esquire
S.C. Bar No. 100229
Murphy & Grantland, P.A.
P.O. Box 6648
Columbia, SC 29260
(803) 782-4100
wsawyer@murphygrantland.com
Attorney for Respondent