

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Oct 30 2023

SC Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
Kirsti F. Curtis, Circuit Court Judge

Appellate Case No. 2023-000569
Case No. 2019-CP-26-07075

Meswaet Abel, as Personal Representative of the Estate
of Zerihun Wolde and as Natural Parent and Legal
Guardian of Adam Wolde and Wubit Wolde Respondent,

v.

Lack's Beach Service, Inc., City of Myrtle Beach, and
John Doe Lifeguard, Defendants,

Of which Lack's Beach Service is the Appellant,

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

Pursuant to Rule 209, SCACR, Appellant Lack's Beach Service, Inc. designates the following material for inclusion in the record on appeal. Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to this appeal.

Orders

1. Order Denying Motion for Appointment of Receiver and Granting Motion to Stay, filed May 19, 2023
2. Order on Lack's Beach Service's Motions for JNOV, New Trial Absolute, and New Trial Nisi Remittitur, April 10, 2023
3. Order on Post Trial Review of Punitive Damages, filed November 28, 2022

Judgments

4. Form 4 Judgment and Jury Verdict, filed August 1, 2023

Pleadings

5. Answer of City of Myrtle Beach, filed March 17, 2020
6. Answer of Lack's Beach Service, filed February 7, 2020
7. Summons & Complaint, filed November 1, 2019

Motions, Supporting Memoranda, & Other Filings

1. Lack's Beach Service's Motion to Stay Execution Pending Appeal & Exhibit, April 10, 2023
2. Lack's Beach Service's Supplemental Memorandum in Opposition to Motion to Appoint a Receiver, filed March 8, 2023
3. Lack's Beach Service's Motion to Reconsider Order on Post Trial Review of Punitive Damages, filed December 2, 2022
4. Lack's Beach Service's Reply in Support of Motion to Stay Execution, filed December 2, 2022
5. Plaintiff's Memorandum in Opposition to Motion to Stay, filed November 15, 2022
6. Lack's Beach Service's Memorandum in Opposition to Motion to Appoint a Receiver, filed November 3, 2022
7. Lack's Beach Service's Motion to Stay Execution and Appointment of a Receiver & Exhibit, filed October 19, 2022
8. Plaintiff's Motion to Appoint a Receiver & Exhibit, filed October 12, 2022
9. Lack's Beach Service's Reply in Support of Conditional Motion, filed September 16, 2022
10. Lack's Beach Service's Reply in Support of Post-trial Motions, filed September 16, 2022
11. Plaintiff's Memorandum in Opposition to Lack's Beach Service's Conditional Motion, filed August 22, 2022
12. Plaintiff's Consolidated Memorandum in Opposition to Lack's Beach Service's Post-trial Motions & Exhibits, filed August 22, 2022
13. Lack's Beach Service's Motion for JNOV, filed August 8, 2022
14. Lack's Beach Service's Motion for a New Trial Absolute, filed August 8, 2022

15. Lack's Beach Service's Motion for a New Trial Nisi Remittitur, filed August 8, 2022
16. Lack's Beach Service's Conditional Motion to Reduce the Judgment, filed August 8, 2022
17. Plaintiff's Letter & Supplemental Exhibit, filed July 21, 2022
18. Plaintiff's Memorandum in Opposition to City of Myrtle Beach's Motion for Summary Judgment & Exhibits, filed July 19, 2022
19. Plaintiff's Memorandum in Opposition to Lack's Beach Service's Motion for Summary Judgment & Exhibits, filed July 19, 2022
20. City of Myrtle Beach's Motion for Summary Judgment & Exhibit, filed June 20, 2022
21. City of Myrtle Beach's Motion in Limine, filed June 20, 2022
22. Lack's Beach Service's Motion in Limine, filed June 17, 2022
23. Lack's Beach Service's Motion Summary Judgment, filed June 17, 2022
24. Lack's Beach Service's Motion for Partial Summary Judgment, filed June 17, 2022

Transcripts

25. Transcript of Hearing on Post-Trial Motions, March 9, 2023
26. Trial Transcript, July 25, 2022 – July 29, 2022
27. Transcript of Hearing on Pretrial Motions, July 22, 2022

Trial Exhibits

28. Pltf.'s Exhibit 10, Training Manual
29. Pltf.'s Exhibit 11, January 21st Letter from Chris Brewster
30. Pltf.'s Exhibit 12, January 27th Letter from Chris Brewster
31. Pltf.'s Exhibit 13, September 11 Letter from Lack's Beach Service
32. Pltf.'s Exhibit 14, October 14 USLA Letter
33. Pltf.'s Exhibit 15, Franchise Agreement
34. Pltf.'s Exhibit 16, Enlarged Chart

35. Pltf.'s Exhibit 17, Chart of Stands
36. Pltf.'s Exhibit 18, Stand Totals
37. Pltf.'s Exhibit 20, Coroner Report
38. Pltf.'s Exhibit 21, Autopsy Report
39. Pltf.'s Exhibit 22, March 26 USLA Letter
40. Pltf.'s Exhibit 23, USLA Certification
41. Pltf.'s Exhibit 28, Surf School Agenda 2018
42. Pltf.'s Exhibit 29, Kacper Palacz Records
43. Pltf.'s Exhibit 30, Lucakasz Jaworski Records
44. Pltf.'s Exhibit 31, Aleksandr Dineev Records
45. Def.'s Exhibit 1, Photograph
46. Def.'s Exhibit 2, Photograph
47. Def.'s Exhibit 3, Kacper Palacz Records
48. Def.'s Exhibit 4, Lucakasz Jaworski Records
49. Def.'s Exhibit 5, Alexandr Dineev Records
50. Def.'s Exhibit 6, Lack's Team Photo 2018
51. Def.'s Exhibit 7, Narrative from Jaworski
52. Def.'s Exhibit 8, Narrative from Palacz
53. Def.'s Exhibit 9, Lack's Balance Sheet
54. Pltf.'s Exhibit 31, Aleksandr Dineev Records
55. Court's Exhibit 2, Transcript of Deposition of Julian Chandler & Video Deposition of Julian Chandler
56. Court's Exhibit 5, Video Deposition of Dr. Griffiths

57. Court's Exhibit 6, Defendant's Designations of Deposition of Julian Chandler and Objections to Plaintiff's Designations
58. Court's Exhibit 7, Jury Question
59. Court's Exhibit 8, Jury Question
60. Court's Exhibit 9, Judge's Response to Jury's Question

Other

61. Surety Bond, filed May 25, 2023
62. Notice of Appeal, filed April 10, 2023
63. Lack's Beach Service's Letter to Judge Curtis & Enclosed Proposed Orders, filed March 26, 2023
64. Lack's Beach Service's Objections to Plaintiff's Proposed Order Denying Post-trial Motions & Exhibit, filed December 8, 2022
65. Plaintiff's Designations of Deposition of Dr. Thomas Griffiths
66. Lack's Beach Service's Designations of Deposition of Dr. Thomas Griffiths
67. Transcript of Deposition of Dr. Thomas Griffiths
68. Plaintiff's Page Line Designations of Julian Chandler's Deposition

Signature on Following Page

Respectfully submitted,

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October 30, 2023