

RECEIVED

Nov 29 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The 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, Respondent Meswaet Abel 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 on Lack’s Beach Service’s Motions for JNOV, New Trial Absolute, and New Trial Nisi Remittitur, April 10, 2023
2. Order on Post Trial Review of Punitive Damages, filed November 28, 2022

Judgments

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

Pleadings

4. Summons & Complaint, filed November 1, 2019
5. Answer of Lack's Beach Service, filed February 7, 2020

Motions, Supporting Memoranda, & Other Filings

6. Lack's Beach Service's Motion to Reconsider Order on Post Trial Review of Punitive Damages, filed December 2, 2022
7. Lack's Beach Service's Reply in Support of Conditional Motion, filed September 16, 2022
8. Lack's Beach Service's Reply in Support of Post-trial Motions, filed September 16, 2022
9. Plaintiff's Memorandum in Opposition to Lack's Beach Service's Conditional Motion, filed August 22, 2022
10. Plaintiff's Consolidated Memorandum in Opposition to Lack's Beach Service's Post-trial Motions & Exhibits, filed August 22, 2022
11. Lack's Beach Service's Motion for JNOV, filed August 8, 2022
12. Lack's Beach Service's Motion for a New Trial Absolute, filed August 8, 2022
13. Lack's Beach Service's Motion for a New Trial Nisi Remittitur, filed August 8, 2022
14. Lack's Beach Service's Conditional Motion to Reduce the Judgment, filed August 8, 2022
15. Plaintiff's Letter & Supplemental Exhibit, filed July 21, 2022
16. Plaintiff's Memorandum in Opposition to Lack's Beach Service's Motion for Summary Judgment & Exhibits, filed July 19, 2022
17. Lack's Beach Service's Motion in Limine, filed June 17, 2022
18. Lack's Beach Service's Motion Summary Judgment, filed June 17, 2022
19. Lack's Beach Service's Motion for Partial Summary Judgment, filed June 17, 2022

Transcripts

20. Transcript of Hearing on Post-Trial Motions, March 9, 2023
21. Trial Transcript, July 25, 2022 – July 29, 2022

22. Transcript of Hearing on Pretrial Motions, July 22, 2022

Trial Exhibits

23. Pltf.'s Exhibit 1, Survey

24. Pltf.'s Exhibit 3-9, Photos

25. Pltf.'s Exhibit 10, Training Manual

26. Pltf.'s Exhibit 11, January 21st Letter from Chris Brewster

27. Pltf.'s Exhibit 12, January 27th Letter from Chris Brewster

28. Pltf.'s Exhibit 13, September 11 Letter from Lack's Beach Service

29. Pltf.'s Exhibit 14, October 14 USLA Letter

30. Pltf.'s Exhibit 15, Franchise Agreement

31. Pltf.'s Exhibit 16, Enlarged Chart

32. Pltf.'s Exhibit 17, Chart of Stands

33. Pltf.'s Exhibit 18, Stand Totals

34. Pltf.'s Exhibit 19, Death Certificate

35. Pltf.'s Exhibit 20, Coroner Report

36. Pltf.'s Exhibit 21, Autopsy Report

37. Pltf.'s Exhibit 22, March 26 USLA Letter

38. Pltf.'s Exhibit 23, USLA Certification

39. Pltf.'s Exhibit 26, Pederson Email 8-27-16

40. Pltf.'s Exhibit 27, Email Chain/Philip Cain

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. Court's Exhibit 2, Transcript of Deposition of Julian Chandler & Video Deposition of Julian Chandler
55. Court's Exhibit 5, Video Deposition of Dr. Griffiths
56. Court's Exhibit 6, Defendant's Designations of Deposition of Julian Chandler and Objections to Plaintiff's Designations
57. Court's Exhibit 7, Jury Question
58. Court's Exhibit 8, Jury Question
59. Court's Exhibit 9, Judge's Response to Jury's Question

Other

60. Notice of Appeal, filed April 10, 2023
61. Plaintiff's Designations of Deposition of Dr. Thomas Griffiths
62. Lack's Beach Service's Designations of Deposition of Dr. Thomas Griffiths
63. Transcript of Deposition of Dr. Thomas Griffiths
64. Plaintiff's Page Line Designations of Julian Chandler's Deposition

Respectfully submitted,

By: s/ W. Mullins McLeod, Jr.
W. Mullins McLeod, Jr.
H. Cooper Wilson, III
MCLEOD LAW GROUP, LLC
3 Morris Street, Suite A
Charleston, SC 29403
(843) 277-6655

G. Murrell Smith, Jr.
Austin T. Reed
Frederick N. Hanna, Jr.
SMITH ROBINSON
126 N. Main Street
Sumter, SC 29150
(803) 778-2471

Attorneys for Respondent Meswaet Abel

November 29, 2023