



Wesley B. Sawyer  
Phone: (803) 454-1233  
wsawyer@murphygrantland.com

April 5, 2024

**RECEIVED**  
**Apr 05 2024**  
**SC Court of Appeals**

Jenny A. Kitchings  
South Carolina Court of Appeals  
1015 Sumter Street (1220 Senate Street)  
P.O. Box 11629  
Columbia, SC 29211

Re: Heidi Gersten v. Kevin Carter  
Appellate Case No.: 2022-001312  
Our File No.: 1150-0747

Dear Ms. Kitchings:

By Order dated February 22, 2024, the Court required Appellant Heidi Gersten to serve the record on appeal for the above-referenced matter by March 22, 2024. The Court's Order stated, "No further extensions will be granted absent extraordinary circumstances."

On March 22, 2024, Appellant Gersten sent an email to counsel purporting to serve her "Record on Appeal." However, the attached document she sent and labeled "Record on Appeal" was merely an index page and not an actual record on appeal. In addition, the index page did not list numerous items included on Respondent Kevin Carter's Designation of Matter. *See* Rule 207(c), SCACR. It only listed the items included on Appellant's Designation of Matter, one or more of which may also be improper under Rules 209 and 210(c) of the South Carolina Appellate Court Rules. Appellant also failed to include the certification required by Rule 207(g) of the Appellate Court Rules. Moreover, the index does not appear to be ordered in conformity with Rule 210(c). By way of this letter, counsel for Respondent Kevin Carter is informing the Court and Appellant of these deficiencies in her "Record on Appeal." Respondent respectfully requests that his time for filing his final brief does not begin to run until Appellant serves a proper record on appeal. Because Appellant has failed to file a proper Record on Appeal within the time set forth in the Court's February 22, 2024 Order, Respondent believes the appeal should be dismissed.

By copy of this letter I am serving same on Appellant. With warm personal regards, I am

Sincerely yours,

*S/Wesley B. Sawyer*

Wesley B. Sawyer

CC: Heidi Gersten  
1438 W. Lantana Rd., #330  
Lantana, FL 33462  
(323) 245-6142  
Appellant (Pro Se)

**RECEIVED**

**Apr 05 2024**

**SC Court of Appeals**

IN THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHESTER COUNTY

The Honorable Brian M. Gibbons, Circuit Court Judge

The Honorable John C. Hayes, III, Circuit Court Judge

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

Appellate Case No. 2022-001312 (consolidated)

Trial Court Case Nos. 2018-CP-12-00117

and 2018-AP-12-00074

Heidi Gersten, Ivanka Ayoub, Daniel Hubbard.....Plaintiffs,

Of whom Heidi Gersten is the .....Appellant.

v.

Kevin Carter, Richard Davis, Joseph Tirbovich, Nationwide Mutual Insurance Company,  
Interinsurance Exchange of The Automobile Club, John Ammendola, Trustguard

Insurance Co., SC Department of Public Safety, Chevrolet,

GMC, Unknown Joe Does,.....Respondents.

**PROOF OF SERVICE**

I certify that I have served correspondence to Jenny A. Kitchings, South Carolina Court of Appeals, dated April 5, 2024, by email only to all counsel of record and to Appellant by email and by depositing a copy of it in the United States Mail, postage prepaid, on April 5, 2024 to the address listed below.

*s/Wesley B. Sawyer*

Wesley B. Sawyer, Esquire (SC Bar # 100229)

Murphy & Grantland, P.A.

P.O. Box 6648

Columbia, SC 29260

(803) 782-4100

wsawyer@murphygrantland.com

Attorney for Respondents Kevin Carter and Richard

Davis

Heidi Gersten  
1438 W. Lantana Rd., #330  
Lantana, FL 33462  
(323) 245-6142  
Appellant

Other Counsel of Record:  
Pamela J. Larson, Esquire  
Womble Bond Dickinson, LLP  
5 Exchange St.  
Charleston, SC 29401-2948  
(Attorney for Nationwide Mutual Ins. Co.)  
(Attorney for Joseph Tirbovich)  
(843) 720-4630  
[pamela.larson@wbd-us.com](mailto:pamela.larson@wbd-us.com)

Reynolds Williams, Esquire  
P. O. Box 1909  
Florence, SC 29503-1909  
(Attorney for Defendant Interinsurance  
Exchange of the Automobile Club)  
(843) 662-3258

William H. Davidson, II, Esquire  
Davidson, Wren & DeMasters  
P. O. Box 8568  
Columbia, SC 29202  
[wddavidson@dml-law.com](mailto:wddavidson@dml-law.com)  
(Attorneys for SC Dept. of Public Safety)  
(803) 806-8222

Shelley S. Montague, Esquire  
Jessica W. Laffitte, Esquire  
Gallivan, White & Boyd, P.A.  
P. O. Box 7368  
Columbia, SC 29202  
[smontague@gwblawfirm.com](mailto:smontague@gwblawfirm.com)  
[jlaffitte@gwblawfirm.com](mailto:jlaffitte@gwblawfirm.com)  
(Attorneys for Respondent Trustguard  
Insurance Company)  
(Attorneys for John Ammendola)