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**Jul 17 2024**

**SC Court of Appeals**

IN THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE SOUTH CAROLINA COURT OF COMMON PLEAS FOR  
JASPER COUNTY

Carmen T. Mullen, Circuit Court Judge

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Appellate Case No. 2023-001708

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Jasper County,

Respondent-Appellant,

v.

Western Surety Company and Denise Smith,

Defendants,

Of which Western Surety Company is the Appellant-Respondent.

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**WESTERN SURETY'S DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON CROSS-APPEAL**

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Appellant-Respondent Western Surety proposes the following be included in the Record  
on Cross-Appeal:

1. Jasper County's Complaint filed December 17, 2019.
2. Western Surety Company's Answer and Counterclaims filed January 21, 2020.
3. Jasper County's Reply to Western Surety Company's Counterclaims filed February 7, 2020.
4. Order for Case Assignment to the Business Court issued July 6, 2020.
5. Form 4 Order Denying Motions for Summary Judgment issued February 13, 2023.
6. Order dated July 27, 2023.

7. Western Surety Company's Motion for New Trial or in the Alternative to Alter or Amend Judgment filed August 7, 2023.
8. Western Surety Company's Memorandum in Support of Its Motion for New Trial or in the Alternative to Alter or Amend Judgment filed October 6, 2023.
9. Jasper County's Response to Western Surety Company's Post-Trial Motion filed October 6, 2023.
10. Order Denying Western Surety Company's Motion to Reconsider issued October 11, 2023.
11. Western Surety Company's Notice of Appeal filed October 31, 2023.
12. Western Surety Company's Proof of Service of Western Surety Company's Notice of Appeal on Jasper County.
13. Jasper County's Notice of Cross Appeal filed November 7, 2023.
14. Jasper County's Proof of Service of Jasper County's Notice of Cross Appeal on Western Surety Company.
15. Trial Transcript, pp. 1–5, 26–30, 38–39, 60–61, 63–64, 91, 93–95, 112–13, 140–45, 148–59, 163–65, 171, 174–75, 179–83, 186–95, 201–06, 208–09, 218–20, 222, 224–237, 245–58, 260–65, 267–72, 275–78, 281–83, 309.
16. Public Employees Blanket Bond No. 70471756, Plaintiff's Exhibit 1.
17. Cancellation Notice, Plaintiff's Exhibit 8.
18. *State v. Smith* Trial Transcript of Record, Plaintiff's Exhibit 3.
19. Sworn Statement in Proof of Loss, Defendant's Exhibit 56.
20. Bond Application, Defendant's Exhibit 15.
21. January 31, 1989 Bond, Defendant's Exhibit 2.
22. July 25, 2007 Bond for Resh, Defendant's Exhibit 3.
23. July 25, 2007 Bond for Gadson, Defendant's Exhibit 4.
24. July 24, 2007 Bond for Watson, Defendant's Exhibit 5.
25. July 19, 2007 Bond for Nimmer, Defendant's Exhibit 6.

26. July 8, 2007 Bond for Fulghum, Defendant's Exhibit 7.
27. Initial Bond Application, Defendant's Exhibit 12.
28. March 6, 2008 Memo from CNA to Kinghorn, Defendant's Exhibit 13.
29. March 7, 2008 Cover Letter from Stolte to CNA, Defendant's Exhibit 14.
30. Quote, Defendant's Exhibit 16.
31. Premium Calculation, Defendant's Exhibit 17.
32. April 21, 2008 Letter from CNA to Jasper County, Defendant's Exhibit 18.
33. Initial Premium Notice, Defendant's Exhibit 21.
34. Payment of Initial Premium, Defendant's Exhibit 22.
35. Subsequent Premium Notices, Defendant's Exhibits 26, 28, 31, 34, 35, 36, 37, 43, 47.
36. Correspondences from CNA to Jasper County Confirming Premium Payments, Defendant's Exhibits 32, 39, 40, 41, 42, 45.
37. August 20, 2018 Email from Malphrus to Western Surety, Defendant's Exhibit 51.
38. August 23, 2018 Letter from Barnes to Malphrus, Defendant's Exhibit 54.
39. August 27, 2018 Email from Malphrus to Barnes, Defendant's Exhibit 56.
40. August 29, 2018 Letter from Barnes to Malphrus, Defendant's Exhibit 57.
41. August 29, 2018 Letter from Barnes to Smith, Defendant's Exhibit 58.
42. September 6, 2018 Email from Tedder to Barnes, Defendant's Exhibit 60.
43. September 10, 2018 Email from Barnes to Tedder, Defendant's Exhibit 60.
44. October 9, 2018 Letter from Barnes to Malphrus, Defendant's Exhibit 63.
45. October 25, 2018 Letter from Barnes to Burgess, October 25, 2018 Letter from Barnes to Burgess, Defendant's Exhibit 64.
46. December 4, 2018 Letter from Tedder to Barnes, Defendant's Exhibit 65.

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

Respectfully submitted,

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