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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

Appellate Case No. 2024-001698

Patricia P. McGougan and Edgar McGougan,

Appellants,

v.

Richard F. Frisch, M.D., Timothy E. West,
M.D., The Southeastern Spine Institute, LLC,
and Lowcountry Infectious Diseases, P.A.,

Respondents.

**RESPONDENTS TIMOTHY E. WEST, M.D. AND LOWCOUNTRY INFECTIOUS
DISEASES, P.A. DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD
ON APPEAL**

Pursuant to Rule 209, SCACR, Respondents Timothy E. West, M.D. and Lowcountry Infectious Diseases, P.A. propose the following be included in the Record on Appeal. Undersigned counsel certifies that, pursuant to Rule 209(c), SCACR, the designation contains no matter which is irrelevant to this appeal.

1. Complaint, filed November 30, 2019;
2. Answer of Timothy E. West, M.D. and Lowcountry Infectious Diseases, P.A., filed January 4, 2019;

3. Answer of Richard F. Frisch, M.D. and The Southeastern Spine Institute, LLC,, filed January 11, 2019;
4. Amended answer of Richard F. Frisch, M.D. and The Southeastern Spine Institute, LLC, filed February 25, 2020;
5. Judgment/Verdict, September 27, 2024;
6. Form 4 Order denying posttrial motion, filed September 27, 2024;
7. Notice of Appeal, filed October 9, 2024;
8. Trial Transcript, September 9-16, 2024;
9. Trial Transcript – Part 2, September 10, 2024;
10. Plaintiffs’ Trial Exhibit 116 – 7/25/17 Office visit to Dr. Grossi (Duke);
11. Defendants’ Trial Exhibits:
 - 14 – ECMC Op. Report,
 - 16 – 8.2.16 doxycycline Rx,
 - 19 – 8/16/16 Visit to Southeastern Spine,
 - 21 – 8/23/16 Visit to Southeastern Spine,
 - 22 – 8/30/16 Visit to Southeastern Spine,
 - 23 – 9/1/16 Visit to Southeastern Spine,
 - 24 – 9/8/16 Visit to Southeastern Spine,
 - 25 – 9/20/16 ECMC H&P,
 - 29 – 9/20/16 ECMC MRI,
 - 30 – 9/20/16 Visit to Southeastern Spine,
 - 32 – 9/21/16 Dr. West Consult,
 - 35 – 9/21/16 ECMC MRSA screen culture,
 - 39 – 9/22/16 ECMC Op Report,

44 – 9/23/16 IV vancomycin,
48 – 9/26/16 ECMC discharge summary,
53 – 9/26/16 Dr. West discharge antibiotic plan,
54 – 9/26/16 Dr. West Rx - minocycline,
57 – 10/11/16 Visit to Southeastern Spine,
59 – 11/28/16 Visit to Southeastern Spine,
62 – 12/13/16 MRI recommendation by Southeastern Spine,
63 – 12/16/16 Lumbar MRI ,
64 – 12/16/16 Dr. Frisch note discussing admission options,
65 – 12/19/16 EMC H&P ,
72 – 12/20/16 ECMC CT,
74 – 12/20/16 ECMC MRI,
75 - Dr. West ID consult (ECMC 1471-1472)
78 – 12/22/16 ECMC lab results,
83 – 12/30/16 Dr. West PICC line,
84 – 1/3/17 Frisch discharge summary,
87 – 3/15/17 Visit to Southeastern Spine,
90 – 8/2/17 Visit to Southeastern Spine,
91 – 8/11/17 Visit to Southeastern Spine, and
116 – 9/22/16 Order & Medication administration log.

/s/ Todd W. Smyth
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May 2, 2025

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