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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Robert W. Buffington, Special Referee

Appellate Case No. 2025-000968

Texas Insurance Company, as successor
of Onyx Insurance Company, Inc.,
a Risk Retention Group, Appellant,

Viktar Kleuchenia, Respondent,

v.

Brian McLeod Defendant.

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

Appellant proposes the following be included in the Record on Appeal:

1. Order Granting Plaintiff's Motion for Summary Judgment on Liability, filed August 15, 2023;
2. Plaintiff's Offer of Judgment for UIM Benefits, filed August 17, 2023;
3. Order of Judgment for Damages, filed June 4, 2024;
4. Order on Plaintiff's Motion for Costs and Interest, filed July 2, 2024;
5. Order Denying Texas Insurance Company, as Successor to Onyx Insurance Company, an Underinsured Motorist Carrier's Motion to Vacate, filed February 28, 2025;
6. Order Denying Texas Insurance Company's Motion to Reconsider, signed and dated May 2, 2025;
7. Plaintiff's Offer of Judgement, filed January 17, 2023;
8. Defendant's Acceptance of Plaintiff's Offer of Judgement, filed January 25, 2023;

9. Satisfaction of Judgement in the Amount of \$800,000.00, filed March 27, 2023;
10. Form 4 granting Plaintiff's Motion for Summary Judgment, and Plaintiff's Motion to Strike Demand for Jury Trial and Refer Special Referee, filed August 11, 2023;
11. Summons & Complaint for Case No.: 2021-CP-26-04596, filed July 12, 2021;
12. Answer of the Defendant to Plaintiff's Complaint, filed July 26, 2021;
13. Department of Insurance Acceptance of Service on behalf of Onyx Insurance Company, dated August 17, 2021, filed August 19, 2021;
14. Department of Insurance Acceptance of Service on behalf of Texas Insurance Company, dated September 27, 2022, filed October 24, 2022;
15. Affidavit of Jeffrey A. Silver, Corporate Secretary and General Counsel for Texas Insurance Company, filed September 17, 2024;
16. Notice of Appearance of Texas Insurance Company's Attorneys, filed September 17, 2024;
17. State Court Documents, Summons & Complaint naming Texas Insurance Company as Defendant, filed September 30, 2024;
18. Transcript of April 9, 2024, Damages Hearing, filed May 7, 2024 (pp. 4,5,160 and 161);
19. Transcript of December 5, 2024, Rule 60 Motion Hearing (pp. 8-21, 26-28, 34-35, 41-47 and 52-53);
20. Transcript of March 19, 2025, Motion to Reconsider Hearing, filed March 19, 2025 (pp. 7-14, 18-20, 22-27, 39-40, 42-45, and 47-49);
21. Exhibit and Witness List from April 9, 2024, Damages Hearing, filed May 7, 2024;
22. Plaintiff's Motion for Summary Judgment on Liability and Exhibits, filed April 10, 2023;
23. Defendant's Responses to Plaintiff's First Set of Requests for Admissions, filed April 10, 2023;
24. Plaintiff's Motion to Strike Demand for Jury Trial and Request for Order of Reference, Exhibit A, Acknowledgement of Service on Onyx Insurance Company, filed April 10, 2023;
25. Plaintiff's Motion to Strike Demand for Jury Trial and Request for Order of Reference, Exhibit B, Acknowledgement of Service on Texas Insurance Company, filed April 10, 2023;
26. Plaintiff's Motion to Strike Demand for Jury Trial and Request for Order of Reference, Exhibit C, Defendant's Responses to Plaintiff's First Set of Requests for Admissions, filed April 10, 2023;
27. Plaintiff's Motion to Strike Demand for Jury Trial and Request for Order of Reference, filed August 15, 2023;
28. Notice of Hearing Scheduled for April 9, 2024, filed April 1, 2024;
29. Plaintiff's Motion for Costs and Interest, filed June 5, 2024;
30. Letter from Texas Insurance Company to Jared Williams dated, September 4, 2024;
31. Letter from Texas Insurance Company to Jared Williams dated, September 9, 2024
32. Texas Insurance Company's Motion to Vacate Judgment, filed September 17, 2024;
33. Letter from Texas Insurance Company to Jared Williams dated, October 4, 2024;

34. Plaintiff's Memorandum In Opposition to Texas Insurance Company's Motion to Vacate, filed November 25, 2024;
35. Texas Insurance Company's Memorandum In Support of Motion to vacate, filed December 3, 2024;
36. Texas Insurance Company's Motion to Reconsider, filed March 4, 2025;
37. Plaintiff's Memorandum In Opposition to Texas Insurance Company's Motion to Reconsider, filed March 17, 2025; and
38. Certificate of Appellant.

I certify that this designation contains no matter which is irrelevant to this appeal.

July 28, 2025

s/ Michael D. Freeman
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