

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BAMBERG COUNTY
Court of Common Pleas

Clifton Newman, Circuit Court Judge

Case No.: 2011-CP-05-65

Claude McAlhaney, Appellant,

-v-

Kenneth A. Carter, Sr. d/b/a Carter & Son Pest Control,
Carter & Son Pest Control, Inc. and Erick Cogburg, Respondent.

**APPELLANT'S DESIGNATION OF MATTER
TO BE INCLUDED IN RECORD ON APPEAL**

Appellant designates the following items for inclusion in the Record on Appeal,
in addition to the material designated by the Respondent.

- 1) Order Granting Defendant's Motion for Summary Judgment dated September 11, 2012;
- 2) Order Denying Plaintiff's Motion to Reconsider dated February 13, 2013;
- 3) Defendants Kenneth A Carter, Sr. d/b/a Carter & Son Pest Control and Carter & Son Pest Control, Inc.'s Motion for Summary Judgment dated January 26, 2012;
- 4) Defendant Erick Cogburn's Motion for Summary Judgment dated March 30, 2012;
- 5) Plaintiff's Motion to Reconsider pursuant to Rule 59(e) dated September 20, 2013;
- 6) Summons and Complaint action filed April 11, 2011

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- 7) Defendant Erick Cogburn's Answer to Complaint dated June 17, 2011;
- 8) Defendants Kenneth A Carter, Sr. d/b/a Carter & Son Pest Control and Carter & Son Pest Control, Inc.'s Answer to Complaint dated August 12, 2011;
- 9) Motions Hearing Transcript from July 26, 2012 – pp. 1-21;
- 10) Claude McAlhany, Jr's Deposition Testimony dated January 25, 2011 - pp. 7; 19-20; 32-33; 37-54; 56-72; 74-95; 108-110; 112-116; 138-146; 149-152; 155; and 158-159;
- 11) Claude McAlhany, Jr.'s Deposition Exhibits 2, 6, 7, 8, 9A-9R, and 10;
- 12) Kenneth A. Carter, Sr.'s Deposition Testimony dated January 25, 2012 – pp. 4-5; 8-19; 23; 27-30; 33-34; 39-42; and 45-48;
- 13) Kenneth A. Carter, Sr.'s Deposition Exhibits 2, 3, 4, and 6;
- 14) Erick Cogburn's Deposition Testimony dated February 29, 2012 – pp. 3; 9-11; 15-17; 19-28; 31; 39-42; 53-54; 65-73; and 77-81;
- 15) Erick Cogburn's Deposition Exhibit 4;
- 16) Letter of July 9, 2013 from Barnes to Court Reporter Davenport requesting complete transcript;
- 17) Letter of March 15, 2013 from Barnes to Clerk of Court Hiers filing copy of Notice of Appeal;
- 18) Letter of March 15, 2013 from Barnes to SC Court of Appeals filing Notice of Appeal;
- 19) Letter of September 18, 2013 from Barnes to Clerk, SC Court of Appeals – advising transcript received;
- 20) Notice of Appeal filed March 18, 2013.

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

[SIGNITURE TO FOLLOW ON NEXT PAGE]

Respectfully submitted,

PETERS, MURDUAGH, PARKER, ELTZROTH
& DETRICK, P.A.

November 7, 2013
Hampton, South Carolina

by: Wil Barnes
William F. Barnes, III
R. Alexander Murdaugh
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ATTORNEY FOR APPELLANT

CERTIFICATE OF SERVICE

This is to certify that I, **Megan C. Davis**, with the Law Firm of Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A., Attorneys for the Appellant, have this date mailed via the U.S. Postal Service with first class postage prepaid, a true and correct copy of the within **APPELLANTS' DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** to:


Danielle F. Payne, Esquire
Grier, Cox & Cranshaw, LLC
Post Office Box 2823
Columbia, SC 29202

-And-

Richard B. Ness, Esquire
Ness & Jett, LLC
Post Office Box 909
Bamberg, SC 29003

ATTORNEYS FOR RESPONDENTS

**Re: Claude McAlhany v. Kenneth A. Carter, Sr. d/b/a Carter & Son Pest Control, Carter & Son Pest Control, Inc. and Erick Cogburn
Case No. 2011-CP-05-65**


Megan C. Davis

November 7th, 2013
Hampton, South Carolina

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