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**Jan 22 2026**

**SC Court of Appeals**

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
In The Court of Common Pleas,  
Thirteenth Judicial Circuit  
The Hon. Perry H. Gravely, Circuit Court Judge

Case No. 2018-CP-23-04092 / Case No. 2022-CP-23-01310<sup>1</sup>  
Ct. App. Case No. 2025-001630

Sealevel Systems, Inc. ....Appellant,

v.

CreatiVasc Medical, Inc., DiaxaMed, LLC,  
successor in interest to Brookhaven Vascular, Inc.,  
successor in interest to Brookhaven Merger Corp.,  
successor in interest to CreatiVasc Medical, Inc.,.....Respondents.

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

Pursuant to Rule 209, SCACR, Appellant Sealevel Systems, Inc., designates the following material to be included in the Record on Appeal:

**Orders and Judgments**

1. Order Dismissing Case Pursuant to Rule 40(J), SCRCP (filed March 9, 2021)
2. Order Restoring Case to Active Docket (filed March 10, 2022)
3. Order Denying Defendants’ Motion for Summary Judgment (filed Nov. 30, 2023)
4. Order Dismissing Certain Defendants (filed Feb. 13, 2025)
5. Jury Verdict Form (filed Feb. 14, 2025)
6. Order Granting Defendants’ Motion for JNOV (filed June 24, 2025)
7. Order Denying Motion to Reconsider (filed July 18, 2025)

<sup>1</sup> The original case number for this action was 2018-CP-23-04092; however, when it was restored to the active docket pursuant to Rule 40(j), SCRCP, it was assigned a new case number: 2022-CP-23-01310

## **Pleadings and Motions**

8. Complaint (filed Aug. 2, 2018)
9. Answer of Defendants (filed Oct. 12, 2018)
10. Defendants' Motion for Summary Judgment (filed Oct. 3, 2023)
11. Defendants' Post Trial Motions (filed Feb. 24, 2025)
12. Plaintiffs' Response in Opposition to Post-Trial Motions (filed May 21, 2025)
13. Plaintiff's Motion to Reconsider (filed July 7, 2025)

## **Transcripts**

14. Trial Transcript (Feb. 11-13, 2025)
15. Hearing Transcript (May 23, 2025)

## **Trial Exhibits**

16. Pl. Trial Ex. 1
17. Pl. Trial Ex. 2
18. Pl. Trial Ex. 3
19. Pl. Trial Ex. 4
20. Pl. Trial Ex. 5
21. Pl. Trial Ex. 6
22. Pl. Trial Ex. 8
23. Pl. Trial Ex. 9
24. Pl. Trial Ex. 10
25. Pl. Trial Ex. 11
26. Pl. Trial Ex. 12
27. Pl. Trial Ex. 13
28. Pl. Trial Ex. 14
29. Pl. Trial Ex. 16
30. Pl. Trial Ex. 17
31. Pl. Trial Ex. 21
32. Pl. Trial Ex. 25
33. Pl. Trial Ex. 26
34. Pl. Trial Ex. 28
35. Pl. Trial Ex. 29
36. Court Ex. 1
37. Court Ex. 2
38. Court Ex. 3
39. Court Ex. 4
40. Court Ex. 5
41. Court Ex. 6
42. Court Ex. 7
43. Court Ex. 8

Pursuant to Rule 209(c), SCACR, I certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,

**FORD WALLACE THOMSON, LLC**

s/ Ainsley Fisher Tillman

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