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Apr 24 2026

SC Court of Appeals

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
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.

**RESPONDENT DIAXAMED, LLC'S DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

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Attorney for the Respondent DiaxaMed, LLC

Respondent DiaxaMed, LLC proposes the following to be included in the Record on Appeal.

1. Trial transcript and all trial exhibits, including all Plaintiff's Exhibits, all Defendants' Exhibits, and all Court's Exhibits (Feb. 11-13, 2025).
2. The listing of all exhibits signed by the Clerk of Court (date received Feb. 13, 2025)
3. Motions hearing transcript (May 23, 2025).
4. Complaint of Plaintiff Sealevel Systems, Inc. (Aug. 2, 2018).
5. Defendants' Answer to Plaintiff's Complaint (Oct. 12, 2018).
6. Verdict (Feb. 13, 2024).
7. Defendants' Post-Trial Motions (Feb. 24, 2025).
8. Plaintiff's Response in Opposition to Defendants' Post-Trial Motions (May 21, 2025).
9. Order Granting Defendants' Motion for Judgment Notwithstanding the Verdict (Jun. 24, 2025).
10. Plaintiff's Rule 59 Motion to Reconsider Order Granting JNOV (Jul. 7, 2025).
11. Order Denying Motion to Reconsider (Jul. 18, 2025).
12. Plaintiff's Notice of Appeal (Aug. 15, 2025).

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

[SIGNATURE ON FOLLOWING PAGE]

Respectfully submitted,

/s/ Robert E. Sumner IV

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**PROOF OF SERVICE
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INCLUDED IN RECORD ON APPEAL**

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Attorneys for Respondent DiaxaMed, LLC

I, Robert E. Sumner IV, Esquire, hereby certify that on April 24, 2026, I served a copy of the **Respondent DiaxaMed, LLC's Designation of Matter to be Included in the Record on Appeal** submitted by the Respondent, Diaxamed, LLC via the United States Mail, postage pre-paid, and addressed as follows, as well as by e-mail at the address noted:

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Signed: /s/ Robert E. Sumner IV
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April 24, 2026