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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
Perry H. Gravely, Circuit Court Judge

Case No. 2022-CP-23-01310
Appellate 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,

RESPONDENTS CREATIVASC MEDICAL, INC. AND BROOKHAVEN VASCULAR INC.,
SUCCESSOR IN INTEREST TO BROOKHAVEN MERGER CORP., SUCCESSOR IN
INTEREST TO CREATIVASC MEDICAL, INC.'S DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Pursuant to Rule 209, SCACR, Respondents CreatiVasc Medical, Inc. and Brookhaven Vascular Inc., successor in interest to Brookhaven Merger Corp, successor in interest to CreatiVasc Medical, Inc. proposes that the following matters be included in the Record on Appeal:

Pleadings and Motions

1. Summons and Complaint (filed August 2, 2018)
2. Defendants' Answer (filed October 12, 2018)

3. Defendants' Motion for Summary Judgment (filed October 3, 2023)
4. Defendants' Post-Trial Motions, including Motion for Judgment Notwithstanding the Verdict pursuant to Rule 50(b), SCRPC; alternative Motion for New Trial under the Thirteenth Juror Doctrine; alternative Motion for New Trial Absolute pursuant to Rule 59, SCRPC; and alternative Motion for New Trial Nisi Remittitur (filed February 24, 2025)
5. Plaintiff's Motion to Reconsider (filed July 7, 2025)
6. Notice of Appeal (filed August 15, 2025)

Orders

7. Order Granting Judgment Notwithstanding the Verdict (the "JNOV Order") (filed June 24, 2025)
8. Order Denying Plaintiff's Motion to Reconsider (filed July 18, 2025)

Transcript

9. Complete Trial Transcript, February 11–13, 2025, including all proceedings, testimony, exhibits entered into evidence, court's exhibits, motions for directed verdict, jury charge, jury deliberation questions, and verdict.

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

Respectfully submitted,

s/Kirby Darr Shealy III

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April 24, 2026.