

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Case No. 2012-CP-42-00346

James Luther Plemmons and Wanda Sue Clark
Plemmons,..... Appellants

v.

State Farm Mutual Automobile Insurance Company,
Plaza Insurance Company, The Stover Company, Inc.
and Howard E. Newton, III Defendants

Of Which State Farm Mutual Automobile Insurance
Company is the Respondent

RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL

The Respondent requests that the following documents be included in the

Record on Appeal:

I. PLEADINGS.

- A. Plaintiffs' second amended complaint dated October 11, 2012.
- B. Answer of State Farm Mutual Automobile Insurance Company (State Farm) of October 15, 2012 to Plaintiffs' second amended complaint.

II. PLAINTIFFS' FRCP 26(f) REPORT (ENTRY NO. 19) FILED IN FEDERAL COURT MARCH 28, 2012.

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III. MOTIONS AND BRIEFS.

- A. State Farm motion for summary judgment dated September 18, 2012 and filed September 21, 2012.
- B. State Farm memorandum dated September 18, 2012 and filed September 21, 2012 in support of State Farm's motion for summary judgment, the exhibits to that memorandum and the deposition excerpts of the Plaintiff James Plemmons' deposition and Amanda Barnes' deposition attached to that memorandum.
- C. Plaintiff's motion for partial summary judgment dated May 7, 2013.
- D. Plaintiff's memorandum in support of motion for partial summary judgment dated May 16, 2013 and filed May 17, 2013.
- E. State Farm's supplemental motion for summary judgment dated May 13, 2013 and filed May 16, 2013.
- F. State Farm's memorandum dated May 13, 2013 and filed May 16, 2013 in support of State Farm's supplemental motion for summary judgment and the attachments to that memorandum.

IV. TRANSCRIPT OF HEARING BEFORE JUDGE MARK HAYES ON MAY 17, 2013.

V. AUGUST 24, 2012 ORDER OF JUDGE MARY G. LEWIS.

VI. ORDER OF JUDGE MARK HAYES DATED MAY 22, 2013 AND FILED MAY 23, 2013.

VII. PLAINTIFFS' NOTICE OF APPEAL FROM ORDER OF JUDGE HAYES.

I hereby certify pursuant to SCACR 209(c) that this Designation contains no matter which is irrelevant to this Appeal.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: Charles R. Norris

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December 16, 2013

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State Farm Mutual Automobile Insurance Company, Plaza Defendants
Insurance Company, The Stover Company, Inc. and
Howard E. Newton, III.....
Of Which State Farm Mutual Automobile Insurance Respondent
Company is the

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, counsel for State Farm Mutual Automobile Insurance Company, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by electronically mailing a copy of the same and by U.S. Mail postage paid, to the following addresses:

Pleadings: INITIAL BRIEF OF RESPONDENT
DESIGNATION OF MATTER TO BE INCLUDED IN
RECORD ON APPEAL

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Elaine Hartley, Certified PLS
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