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**May 22 2026**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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Appellate Case No. 2026-000211

Circuit Court Case No. 2025-CP-10-03621

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Joel Ndunda,

Appellant,

v.

Brandi Pfeil, LP-A, Crisis Intervention Employee, individually and officially; Caitlin McGarty, Crisis Intervention Employee, individually and officially; South Carolina Department of Behavioral and Developmental Disabilities, Office of Mental Health; and Charleston Dorchester Mental Health Center,

Defendants,

Of which Brandi Pfeil, Caitlin McGarty, and Charleston Dorchester Mental Health Center are the Respondents.

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

Pursuant to Rule 209, SCACR

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Pursuant to Rule 209, SCACR, and this Court's Order Reinstating Appeal entered May 6, 2026, Appellant Joel Ndunda, pro se, designates the following matter from the trial court record and the appellate record to be included in the Record on Appeal in the above-captioned matter:

**I. PLEADINGS**

1. Summons and Complaint, filed June 24, 2025, with all exhibits attached thereto.
2. Any amendments to the pleadings.

**II. DISPOSITIVE MOTIONS AND RELATED BRIEFING**

3. Defendants' Motion to Dismiss, filed July 25, 2025, with all exhibits attached thereto, including all appendices.
4. Defendants' Memorandum in Support of Motion to Dismiss, filed October 7, 2025, with all exhibits attached thereto.
5. Defendants' Motion to Strike Punitive Damages, filed July 25, 2025.
6. Defendants' Memorandum in Support of Motion to Strike Punitive Damages, filed October 7, 2025.
7. Plaintiff's Memoranda in Opposition to Defendants' Motion to Dismiss — the first filed August 8, 2025 (also opposing Defendants' Motion to Strike Punitive Damages) and the supplemental (second) Memorandum in Opposition filed October 13, 2025 — with all exhibits attached thereto.
8. Any reply or supplemental memoranda filed by either party in connection with the Motion to Dismiss.

### **III. OCTOBER 9, 2025 HEARING**

9. Official transcript of the October 9, 2025 hearing on Defendants' Motion to Dismiss before the Honorable Eugene P. Warr, Jr., as transcribed by the official court reporter pursuant to Rule 207, SCACR.
10. Audio recording of the October 9, 2025 hearing, filed October 27, 2025, in connection with Plaintiff's Emergency Motion.

### **IV. EMERGENCY MOTION FOR SANCTIONS**

11. Plaintiff's Emergency Motion for Sanctions, Adverse Inference, and Referral for Criminal Investigation, filed October 21, 2025, with all exhibits attached thereto, including without limitation Exhibit G (Letter from the AT&T Global Legal Demand Center regarding Subpoena, documenting unauthorized device connections to Appellant's network).
12. Plaintiff's filing of October 27, 2025 supplementing the Emergency Motion with audio evidence of the October 9, 2025 hearing.

### **V. PROPOSED ORDER AND ORDER OF DISMISSAL**

13. Defendants' Proposed Order Granting Defendants' Motion to Dismiss Plaintiff's Complaint With Prejudice, submitted to the trial court October 29, 2025.
14. Order Granting Defendants' Motion to Dismiss Plaintiff's Complaint With Prejudice, electronically signed October 31, 2025 and filed November 3, 2025.

### **VI. NOTICE OF APPEAL AND APPELLATE PROCEEDINGS**

15. Plaintiff's Notice of Appeal, filed December 3, 2025.
16. This Court's letters dated January 30, 2026 and March 10, 2026, addressed to Appellant regarding compliance with Rule 203(b), SCACR.

17. This Court's Order of March 30, 2026 dismissing the appeal.

18. Appellant's Motion to Reinstate Appeal, filed April 10, 2026, with all exhibits attached thereto, including without limitation:

- Exhibit A: Order Granting Defendants' Motion to Dismiss Plaintiff's Complaint With Prejudice (the order on appeal);
- Exhibit B: Written Certification from MUSC Records Custodian confirming the complete absence of any M-130 Affidavit for Emergency Detention from Appellant's MUSC medical records for the May 1–2, 2025 detention; and
- All additional exhibits attached to the Motion to Reinstate.

19. This Court's Order Reinstating Appeal, entered May 6, 2026.

## **VII. ALL OTHER TRIAL COURT ORDERS AND RULINGS**

20. All orders and rulings of the trial court in Charleston County Court of Common Pleas Case No. 2025-CP-10-03621, including any scheduling orders, discovery orders, and orders on intermediate motions.

## **VIII. RESERVATION**

21. Appellant reserves the right to designate additional matter from the trial court record upon identification of additional materials necessary to a complete consideration of the issues on appeal, subject to the procedures of Rule 209, SCACR.

All designated matter is to be included in the Record on Appeal pursuant to Rule 209, SCACR. Respondents have ten (10) days from service of this Designation to serve and file a counter-designation of any additional matter pursuant to Rule 209(c), SCACR.

Respectfully submitted,

sn: Joel Ndunda\_\_\_\_\_

JOEL NDUNDA

Pro Se Appellant

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Dated: May 22, 2026

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of May, 2026, I served a true and correct copy of the foregoing Appellant's Designation of Matter to Be Included in the Record on Appeal upon counsel for Respondents by mail at the address below:

Zachary Meade Kern, Esquire

Brian Lee Quisenberry, Esquire

Stephanie R. Sandifer, Esquire

Stephen Lynwood Brown, Esquire

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