

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Marvin H. Dukes, III, Master-in-Equity

Appellate Case No. 2013-001808

Samuel H. Pruett, as Personal Representative for the Estate of  
Yvonne Carrie Pruett,.....Respondent,

v.

Brookdale Senior Living, Inc., Southern Assisted Living, LLC, d/b/a Carolina  
House of Hilton Head, and Sonia S. King,.....Defendants,

Of whom Brookdale Senior Living, Inc. and Southern Assisted Living, LLC, d/b/a  
Carolina House of Hilton Head are the .....Appellants.

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

Appellants propose the following be included in the Record on Appeal:

1. March 31, 2009 Residency Agreement of Yvonne Pruett containing Arbitration Agreement.
2. September 28, 2012 Letter of Kelly Jolley to Manton Grier setting deadline to agree to arbitration.
3. October 5, 2012 Letter of K. Jolley to M. Grier setting terms of arbitration.
4. October 8, 2012 Email of M. Grier to K. Jolley accepting terms of arbitration.
5. October 12, 2012 Letter of K. Jolley to M. Grier confirming arbitration agreement, date of arbitration and name of arbiter.
6. October 20, 2012 Letter of K. Jolley to M. Grier serving Discovery Requests of Respondent on Appellant.
7. Respondent's Request for Production Nos. 3, 5, 7, and 8 confirming existence of arbitration agreement.
8. October 22, 2012 Letter of M. Grier to K. Jolley serving Discovery Requests of Appellants on Respondent.

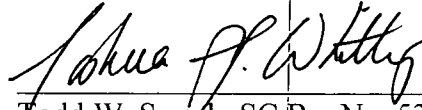
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9. October 30, 2012 Letter of Thomas W. Cooper to counsel confirming his role as arbiter and arbitration date.
10. November 12, 2012 Email of K. Jolley to M. Grier confirming existence of arbitration agreement.
11. November 20, 2012 Respondent's Answers to Interrogatories Nos. 1, 5, 6, and 7 (Pgs. 2, 4, and 5) confirming existence of arbitration agreement.
12. November 20, 2012 Respondent's Responses to Request for Production No. 7 (Pg. 3) confirming existence of arbitration agreement.
13. November 20, 2012 Letter of M. Grier to K. Jolley serving Appellant's Discovery Responses.
14. November 20, 2012, Appellants' Answer to Interrogatory No. 5 (Pg. 4) confirming existence of arbitration agreement.
15. November 20, 2012 Appellants Responses to Request for Production No. 3, 5 (Pg. 2).
16. November 20, 2012 Letter of K. Jolley to M. Grier withdrawing from arbitration.
17. November 29, 2012 Letter of M. Grier to K. Jolley identifying Appellants' expert witnesses.
18. January, 2013 Invoice of Thomas W. Cooper.
19. June 11, 2013, Transcript of Hearing on Appellants' Motion to Compel Arbitration.
20. June 18, 2013 Order of Hon. Marvin H. Dukes, III, Denying Appellants' Motion to Compel Arbitration.
21. July 1, 2013 Appellant's Motion to Reconsider and Memorandum in Support, including all exhibits.
22. July 15, 2013 Appellants' Reply to Respondent's Memorandum in Opposition to Motion to Reconsider, including all exhibits.
23. August 5, 2013 Order of Hon. Marvin H. Dukes, III, Denying Appellants' Motion to Reconsider.

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

**[SIGNATURE PAGE TO FOLLOW]**

Respectfully submitted,



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Attorneys for the Appellants Brookdale  
Senior Living, Inc. and Southern Assisted  
Living, LLC, d/b/a Carolina House of Hilton  
Head

December 20, 2013

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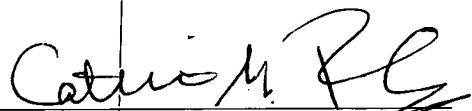
Brookdale Senior Living, Inc., Southern Assisted Living, LLC, d/b/a Carolina  
House of Hilton Head, and Sonia S. King,.....Defendants,

Of whom Brookdale Senior Living, Inc. and Southern Assisted Living, LLC, d/b/a  
Carolina House of Hilton Head are the .....Appellants.

PROOF OF SERVICE

I certify that I am a legal assistant at Smyth Whitley, LLC and on December 20,  
2013, I placed a copy of Appellants' Designation of Matter to be Included in the Record  
of Appeal in the United States Mail, with first-class postage prepaid, and addressed as  
follows:

Susan Taylor Wall, Esquire  
McNAIR LAW FIRM, P.A.  
Post Office Box 1431  
Charleston, SC 29402

  
Catherine M. Rhodes, Paralegal

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