

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
In The Court of Common Pleas

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The Honorable Roger M. Young  
Case No. 2011-CP-400

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Jacquelin S. Bennett, Genevieve S. Felder and Kathleen S. Turner, individually, as Co-Trustees and beneficiaries of the Marital Trust and the Qualified Terminable Interest Trust created by the Thomas Stevenson Will, and Jacquelin S. Bennett, and Kathleen S. Turner, as Co-Personal Representatives on behalf of the Estate of Jacquelin K. Stevenson,

Appellants,

v.

T. Heyward Carter, Jr.; Evans, Carter; Kunes & Bennett, P.A.; Dixon-Hughes f/k/a Pratt-Thomas Gumb & Co., P.A.; and Lynne L. Kerrison,

Defendants,

Of Whom

Dixon-Hughes f/k/a Pratt-Thomas Gumb & Co., P.A.; and Lynne L. Kerrison are

Respondents.

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

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The Respondents identify and propose to be included those matters in which they  
join the Appellants:

1. Complaint, Filed: April 24, 2009;
2. Notice of Filing Expert Affidavit as Supplement to Complaint (Freeman)  
Filed: May 11, 2009;
3. Notice of Filing Expert Affidavit as Supplement to Complaint (Durant) Filed:  
May 15, 2009;

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4. Answer of Defendants T. Heyward Carter, Jr. and Evans, Carter, Kunes & Bennett, P.A., Dated : August 5, 2009;
5. Answer of Defendants Lynne Kerrison and Dixon Hughes, Dated: September 8, 2009;
6. Plaintiff Kathleen S. Turner's Responses to Defendant Lynne L. Kerrison's First Request for Admissions dated: June 9, 2011;
7. Amended Complaint, dated May 29, 2012;
8. Answer of Defendants Lynne Kerrison and Dixon Hughes to Amended Complaint, Filed: June 13, 2012;
9. Defendants Lynne Kerrison and Dixon Hughes' Motion for Summary Judgment, Filed: July 13, 2012;
10. Brief in Support of Defendants Lynne L. Kerrison and Dixon Hughes' Motion for Summary Judgment, Dated: April 26, 2013 (With Attachments);
11. Plaintiffs Memorandum in Opposition to Dixon Hughes Defendants' Motion for Summary Judgment, Dated: April 28, 2013 (With Attachments);
12. Plaintiffs Supplemental Memorandum in Opposition to Dixon Hughes Defendants' Motion for Summary Judgment, Dated: April 29, 2013;
13. Plaintiffs' Objections to Proposed Order of Defendants Lynn Kerrison and Dixon Hughes, or in the Alternative, Motion to Amend a Response to a Request to Admit, Dated: June 19, 2013;
14. Response to Plaintiffs' Objections to Proposed Order Of Defendants on Summary Judgment, and to Alternative Motion to Amend a Response to Request to Admit, Dated: June 24, 2013;
15. Plaintiffs' Reply to the Response to Plaintiffs' Objections To Proposed Order, Dated: June 26, 2013;
16. Order Granting Defendants Dixon Hughes PLLC and Lynne Kerrison's Motion for Summary Judgment, Filed: July 3, 2013;
17. Plaintiffs' Motion to Alter or Amend Pursuant to Rule 59( e), SRCP, Filed: July 22, 2013;
18. Depositions of Kathleen Turner (2011), submitted by Respondents at summary judgment;
19. Deposition of Lynne Kerrison (2011), submitted by Respondents at summary judgment;

20. Deposition of Lynne Kerrison (2009), filed May 10, 2012.
21. Deposition of Heyward Carter (9-24-2008), filed May 10, 2012.
22. Deposition of Heyward Carter (2011), filed May 11, 2012;
23. Defendants' Response to Plaintiffs' Motion to Alter or Amend Judgment, Dated: July 25, 2013;
24. Order on Plaintiffs' Motion to Alter or Amend Pursuant to Rule 59(e), SRCP, Filed: August 9, 2013;
25. Amended Order on Plaintiffs' Motion to Alter or Amend Pursuant To Rule 59(e), SCRP Filed: August 20, 2013;
26. Transcript of Hearing of April 29, 2013.

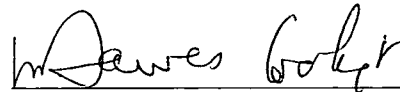
The Respondents also identify and propose to be included those matters which they solely propose to be included:

27. Probate Court Inventory and Appraisal filed May 28, 2008 (Exhibit 22 to the Deposition of Kathleen Turner Dated November 9, 2011)
28. Will of Thomas C. Stevenson, Jr. (Exhibit 5 to the Deposition of Kathleen Turner Dated November 9, 2011);
29. Durable Power of Attorney dated February 18, 2003, in favor of Kathleen Turner and Daniel Stevenson (Exhibit 6 to the Deposition of Kathleen Turner Dated November 9, 2011);
30. Non-Durable Power of Attorney dated January, 4, 2001 in favor of Kathleen Turner and Daniel Stevenson (Exhibit 3 to the Deposition of Kathleen Turner Dated November 9, 2011);
31. Plaintiff Kathleen S. Turner's Answers to Lynne L. Kerrison's First Set of Interrogatories (Exhibit A to Defendants Lynne Kerrison and Dixon Hughes' Motion for Summary Judgment, filed July 13, 2012);
32. Plaintiff Jacquelin S. Bennett's Answers to Lynne L. Kerrison's First Set of Interrogatories (Exhibit B to Defendants Lynne Kerrison and Dixon Hughes' Motion for Summary Judgment, filed July 13, 2012);
33. Plaintiff Genevieve S. Felder's Answers to Lynne L. Kerrison's First Set of Interrogatories (Exhibit C to Defendants Lynne Kerrison and Dixon Hughes' Motion for Summary Judgment, filed July 13, 2012);
34. Plaintiff Kathleen S. Turner's Responses to Lynne L. Kerrison's Request for

Admissions (Exhibit D to Defendants Lynne Kerrison and Dixon Hughes' Motion for Summary Judgment, filed July 13, 2012) and Exhibits A-E attached to the Request for Admissions;

35. Plaintiff Jacquelin S. Bennett's Responses to Lynne L. Kerrison's Request for Admissions (Exhibit E to Defendants Lynne Kerrison and Dixon Hughes' Motion for Summary Judgment, filed July 13, 2012) and Exhibits A-E attached to the Request for Admissions;
36. Plaintiff Genevieve S. Felder's Responses to Lynne L. Kerrison's Request for Admissions (Exhibit F to Defendants Lynne Kerrison and Dixon Hughes' Motion for Summary Judgment, filed July 13, 2012) and Exhibits A-E attached to the Request for Admissions;
37. Deposition of Thomas Stevenson dated February 13, 2013;
38. Supplemental letter dated April 30, 2013, of Lynne Kerrison and Dixon Hughes re summary judgment hearing.

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



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M. Dawes Cooke, Jr.  
Barnwell Whaley Patterson & Helms, LLC  
P. O. Drawer H  
Charleston, SC 29402  
(843) 577-7700  
Attorneys for Respondents

February 14, 2014  
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
In The Court of Common Pleas

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The Honorable Roger M. Young  
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Appellants,

v.

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Defendants,

Of Whom

Dixon-Hughes f/k/a Pratt-Thomas Gumb & Co., P.A.; and Lynne L. Kerrison are

Respondents.

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PROOF OF SERVICE

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I certify that I have served the Initial Brief of Respondents Dixon Hughes and Lynne L. Kerrison and Respondents' Designation of Matter to be Included in the Record on Appeal on Appellants by depositing a copy of same in the United States Mail, postage prepaid, on February 14, 2014, addressed to their attorneys of record, A. Camden Lewis, Keith M. Babcock, James M. Griffin and Ariail E. King at Lewis Babcock & Griffin, LLP, 1513 Hampton Street, P O Box 11208, Columbia, SC 29211.

Dated: 2/14/14

Karen L. Jesse

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**SC Court of Appeals**



**M. Dawes Cooke, Jr.**  
mdc@barnwell-whaley.com

February 14, 2014

Honorable Jenny Abbott Kitchings  
The South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: Jacquelin S. Bennett v. T. Heyward Carter, Jr., et al.  
Appellate Case No.: 2013-001893  
Our File No.: 3466.001

Dear Ms. Kitchings:

Enclosed for filing are the following:

- 1) Original and one copy of the Initial Brief of Respondents Dixon-Hughes and Lynne L. Kerrison;
- 2) Original and one copy of the Respondents' Designation of Matter to be Included in the Record on Appeal; and
- 3) Proof of Service.

Please return the clocked copies to me in the enclosed envelope. By copy of this letter, I am serving copies on counsel of record.

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**SC Court of Appeals**

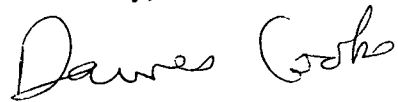
M. Dawes Cooke, Jr.  
B.C. Killough\*  
Randell C. Stoney, Jr.  
Phillip S. Ferderigos  
K. Michael Barfield

William C. Helms, III\*  
\* Registered patent attorney  
- Retired

Ernest B. Lipscomb, III\*  
J. Gail Rahn  
Todd M. Musheff  
John A. Jones  
Lucinda D. Gardner  
John W. Fletcher

Alissa D. Fleming  
Barbara J. Wagner, Ph.D.  
Jeremy E. Bowers  
D. Summers Clarke, II  
Jeffrey M. Bogdan  
Bradley B. Baniias

Sincerely,

A handwritten signature in cursive script that reads "Dawes Cooke".

M. Dawes Cooke, Jr.

MDCjr/klj

Enclosures

c: A. Camden Lewis, Esquire  
Keith M. Babcock, Esquire  
Ariail E. King, Esquire  
James M. Griffin, Esquire  
Frederick K. Sharpless, Esquire