

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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FEB 21 2014

**SC 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.

**RESPONDENT'S DESIGNATION OF MATTER**

The Respondent designates the following documents to be included in the Record on  
Appeal:

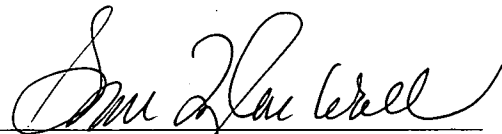
1. Amended Complaint, filed September 24, 2012;
2. Motion to Compel Arbitration, filed January 22, 2013;
  - a. Exhibit A: October 5, 2012, letter from Kelly Jolley to Manton Grier;
  - b. Exhibit B: October 5, 2012, and October 8, 2012, email chain between Manton  
Grier and Kelly Jolley;
3. Memorandum in Support of Motion to Compel Arbitration, dated June 10, 2013;
4. Memorandum in Opposition to Defendants' Motion to Compel Arbitration, filed June 11,  
2013;

- a. Exhibit 1: Pruett Residency Agreement;
- b. Exhibit 2: July 30, 2011, Order Denying Defendants, Brookdale Senior Living, Inc., and Southern Assisted Living, LLC's Motion to Dismiss and Compel Arbitration;
- c. Exhibit 3: November 8, 2012, email from Kelly Jolley to Manton Grier;
- d. Exhibit 4: September 18, 2012, Order Granting Plaintiff's Motion to Compel Responses to Plaintiff's First Set of Interrogatories, Requests for Production to Defendants, and Plaintiff's Subpoena Duces Tecum and 30(b)(6) Deposition of Southern Assisted Living, LLC, in Case No. 2011-CP-07-2654;
- e. Exhibit 5: November 7, 2012, email from the Court ordering Defendants to produce the internal investigation documents in the *Scheerle* case (2011-CP-07-2654);
- f. Exhibit 6: November 12, 2012, email exchange between Kelly Jolley and Manton Grier with subject line "RE: Pruett";
- g. Exhibit 7: November 12, 2012; October 8, 2012; and October 5, 2012, email chain between Manton Grier and Kelly Jolley with subject line "RE: Pruett vs. Brookdale Senior Living";
- h. Exhibit 8: November 15, 2012. email chain between Manton Grier, Kelly Jolley, and the Honorable Thomas W. Cooper, Jr., with subject line "RE: Arbitration 1/21/13 – Pruett vs. Brookdale Senior Living";
- i. Exhibit 9: Brookdale Defendants' Responses to Plaintiff's First Set of Requests for Production, dated November 20, 2012, and Brookdale Defendants' Answers to Plaintiff's First Set of Interrogatories, dated November 20, 2012;

5. Order Denying Defendants' Motion to Compel Arbitration, filed June 18, 2013;
6. Motion to Reconsider and Memorandum in Support, filed July 1, 2013;
7. Transcript of Proceedings, dated June 11, 2013;
8. Plaintiff's Memorandum in Opposition to Defendants' Motion to Reconsider, filed July 8, 2013;
9. Brookdale Defendants' Reply to Plaintiff's Memorandum in Opposition to Defendants' Motion to Reconsider, filed July 15, 2013;
10. Order Denying Defendants' Motion to Reconsider, filed August 5, 2013.

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

Respectfully submitted,



Susan Taylor Wall  
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ATTORNEYS FOR THE RESPONDENT  
SAMUEL H. PRUETT, AS PERSONAL  
REPRESENTATIVE FOR THE ESTATE OF  
YVONNE CARRIE PRUETT

February 18, 2014

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.

**PROOF OF SERVICE**

The undersigned hereby certifies that on February 18, 2014, the foregoing **RESPONDENT'S  
DESIGNATION OF MATTER** was served on all counsel of record via U.S. Mail, addressed as  
follows:

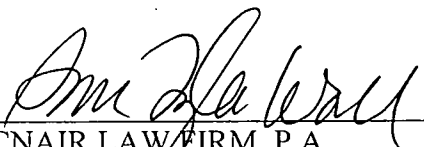
Todd W. Smyth, Esq.  
Smyth Whitley, LLC  
234 Seven Farms Drive  
BB&T Plaza, Suite 215  
Charleston, SC 29492

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

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**SC Court of Appeals**

  
MCNAIR LAW FIRM, P.A.  
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Charleston, South Carolina 29401

MCNAIR  
ATTORNEYS

February 18, 2014

Susan Taylor Wall

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Via U.S. Mail

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

Re: *Samuel H. Pruett, as Personal Representative for the Estate of Yvonne  
Carrie Pruett v. Brookdale Senior Living, Inc., Southern Assisted Living,  
LLC, d/b/a Carolina House of Hilton Head, and Sonia S. King*  
Appellate Case No.: 2013-001808

Dear Ms. Kitchings:

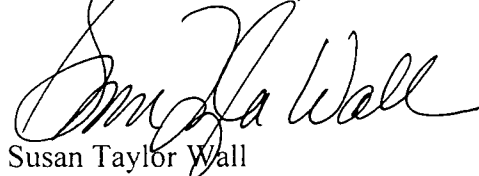
Enclosed for filing, please find the original and one copy of the Initial Brief of Respondent and Designation of Matter to be Included in the Record on Appeal in the above-referenced case. I have also enclosed a Proof of Service. Please file these documents and return a stamp-filed copy to me in the enclosed self-addressed stamped envelope.

By copy of this letter, I am serving a copy of the same upon all counsel of record.

If you have any questions, please do not hesitate to call my office. With kind regards, I am

Very truly yours,

McNAIR LAW FIRM, P.A.



Susan Taylor Wall

STW:jh  
Enclosures

cc: Todd W. Smyth, Esq. (w/ Enclosures, via U.S. Mail)  
Kelly Jolley, Esq. (w/ Enclosures, via U.S. Mail)  
Kathleen Barnes, Esq.

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