

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Larry B. Hyman, Circuit Court Judge

Case No. 2013-002133

Stephanie A. Smith, on behalf of herself and all others similarly situated Appellant

v.

Progressive Halcyon Insurance Company, n/k/a Progressive Direct Insurance Co.,
Progressive Max, and Progressive Casualty Insurance Respondents

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

Appellant proposes the following to be included in the Record on Appeal:

I. Pleadings

1. Plaintiff's Complaint, dated November 8, 2010;
2. Plaintiff's Amended Complaint, dated May 31, 2011;
3. Plaintiff's Second Amended Complaint, dated January 25, 2012;
4. Defendants' Answer to Second Amended Complaint, February 28, 2012;
5. Plaintiff's Motion for Class Certification, August 29, 2011;
6. Affidavit of Smith, October 25, 2012;
7. Affidavit of Nate Fata, October 25, 2012;

RECEIVED

APR 08 2014

SC Court of Appeals

8. Plaintiff's Memorandum in Support of Class Certification, October 31, 2012, with Exhibits;
9. Order Granting Class Certification, dated February 4, 2013;
10. Defendants' Motion for Reconsideration, February 22, 2013;
11. Notice of Appearance by Tommy Brittain & Preston Brittain;
12. Order Substituting Counsel, dated April 26, 2013;
13. Defendants' Memorandum of Law, May 29, 2013;
14. Plaintiff's Memorandum in Opposition of Defendants' Motion for Reconsideration and to Alter or Amend the Court's Order Granting Class Certification, May 29, 2013, with Exhibits;
15. Plaintiff's Supplemental Brief in Opposition to Defendants' Motion for Reconsideration, May 31, 2013, with Exhibits;
16. Defendants' Response to Supplemental Brief, June 5, 2013, with Exhibits;
17. Plaintiff's Memorandum in Reply, June 20, 2013, with Exhibits;
18. Defendants' Reply Memorandum, July 17, 2013, with Exhibits;
19. Defendants' Proposed Order on Motion For Reconsideration and to Alter or Amend the Court's Order Granting Class Certification, dated August 28, 2013;
20. Plaintiff's Motion for Reconsideration, September 9, 2013;
21. Notice of Appeal, September 26, 2013;
22. Lange Affidavit;
23. Goodchild Affidavit;
24. Defendants' Brief in Support of Motion for Summary Judgment, October 2, 2012, with Exhibits;
25. Defendants' Memorandum in Opposition to Plaintiff's Motion for Class Certification, November 1, 2012, with Exhibits;

26. Memorandum of Law in Support of Defendants' Motion for Reconsideration and to Alter or Amend the Court's Order Granting Class Certification, May 24, 2013, with Exhibits.

II. Transcripts

- a. Transcript of Class Certification Hearing, October 31, 2013;
- b. Transcript of Reconsideration Hearing, May 29, 2013;

III. Other

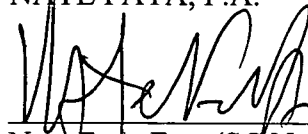
- a. Strand Regional Specialty Assoc. Statement, July 30, 2009;
- b. Progressive Policy;
- c. Standard Operating Procedure, Progressive 541, 543;
- d. Lange Deposition, pages 44, 45;
- e. Lange 30(b)(6) Deposition, pages 10, 32, 33, 37, 38, 39, 44, 46, 47, 51, 52, 61, 80, 85, 86, 88, 99, 102, 103, 122, 123, 124;
- f. Goodchild 30(b)(6) Deposition, pages 14, 22, 23, 24, 25, 31, 32, 35, 36, 37, 38, 61, 72, 80, 81, 82, 83, 90, 93, 94, 95;
- g. Goodchild Deposition, pages 10, 11, 15, 19;
- h. Zaner Deposition, pages 18, 46, 72, 73, 89;
- i. Braden Deposition, page 12;
- j. Dennis Deposition, pages 25, 26, 27;
- k. Felton Deposition, pages 16, 17;
- l. Cole Deposition, page 25;
- m. Defendants' Fourth Supplemental Answers to Plaintiff's First Set of Interrogatories;
- n. Defendants' Supplemental Answers to Plaintiff's Supplemental Interrogatories, Number 1;
- o. Joint Servicing Agreement between Progressive Casualty and Progressive Max;

- p. Joint Servicing Agreement between Progressive Casualty and Progressive Direct;
and
- q. Progressive Stipulation.

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

April 4, 2014.

NATE FATA, P.A.

A handwritten signature in black ink, appearing to read 'Nate Fata', written over a horizontal line.

Nate Fata, Esq. (SC No. 009866)

Post Office Box 16620

Surfside Beach, SC 29587

843-238-2676

and

Charles V. Leonard, Esq. (SC No. 64072)

Harris & Leonard, P.A.

4615 Oleander Drive, Suite 202

Myrtle Beach SC 29577

Attorneys for Appellant

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Larry B. Hyman, Circuit Court Judge

Case No. 2013-002133

RECEIVED

APR 08 2014

SC Court of Appeals

Stephanie A. Smith, on behalf of herself and all others similarly situated..... Appellant

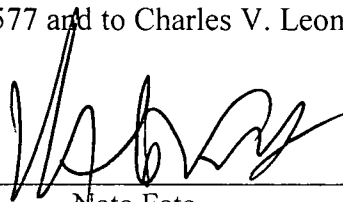
v.

Progressive Halcyon Insurance Company, n/k/a Progressive Direct Insurance Co.,
Progressive Max, and Progressive Casualty Insurance Respondents

PROOF OF SERVICE

I certify that I have served the Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal on Progressive Halcyon Insurance Company n/k/a Progressive Direct Insurance Co., Progressive Max, and Progressive Casualty Insurance by depositing a copy of same in the United States Mail, postage prepaid, on April 4, 2014, addressed to their attorneys of record Thomas C. Brittain, Esq., A. Preston Brittain, Esq., The Brittain Law Firm, P.A., 4614 Oleander Drive, Myrtle Beach, SC 29577 and to Charles V. Leonard, Esq. 4615 Oleander Drive, Suite 202, Myrtle Beach, SC 29577.

April 4, 2014



Nate Fata
Nate Fata, P.A.
Post Office Box 16620
Surfside Beach, SC 29587
(843) 238-2676
Attorney for Appellant

NATE FATA, P.A.
ATTORNEY AT LAW

P.O. Box 16620
THE COURTYARD, SUITE 215
SURFSIDE BEACH, SOUTH CAROLINA 29587
TELEPHONE (843) 238-2676
TELECOPIER (843) 238-0240
NFATA@FATALAW.COM

VIA U.S. MAIL

April 4, 2014

RECEIVED

APR 08 2014

SC Court of Appeals

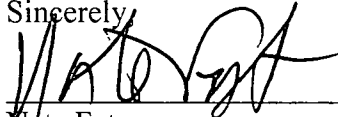
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: Stephanie A. Smith vs. Progressive Halcyon Insurance
Appellate Case No. 2013-002133

Dear Ms. Kitchings:

I am enclosing for filing the original and one (1) copy of the Initial Brief of the Appellant, Appellant's Designation of Matter to be Included in the Record on Appeal, and Proof of Service.

Sincerely,



Nate Fata

Nate Fata, P.A.

Post Office Box 16620
Surfside Beach, SC 29587
(843) 238-2676
Attorney for Appellant

cc:

Thomas C. Brittain, Esq. (SC No. 00893)
A. Preston Brittain, Esq.
The Brittain Law Firm, P.A.
4614 Oleander Drive
Myrtle Beach, SC 29577
Co-Counsel for Respondents

Charles V. Leonard, Esq. (SC No. 64072)
Harris & Leonard, P.A.
4615 Oleander Drive, Suite 202
Myrtle Beach SC 29577
Co-Counsel for Appellant