

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
OCT 09 2014
SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Eugene C. Griffith, Jr., Circuit Court Judge

Case No. 2011-CP-32-04981
Appellate Case No. 2014-000671

Mike Russell,.....	Respondent,
v.	
Randolph Gill and Pennsylvania Life Insurance Company,	Defendants
Of Whom Pennsylvania Life Insurance Company is.....	Appellant.

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

Pursuant to Rule 209, SCACR, Pennsylvania Life Insurance Company
("Appellant") designates the following material for inclusion in the record on appeal:

1. Order filed June 11, 2013
2. Form 4 Order denying Defendant’s Motion to Reconsider filed March 10, 2014
3. Order granting Plaintiff’s Motion to Remand filed October 1, 2010
4. Summons and Complaint filed February 10, 2010
5. Notice of Removal filed April 1 2010
6. Defendant Pennsylvania Life Insurance Company’s Answer filed April 15, 2010

7. Defendant Randolph Gill's Answer to Plaintiff's Complaint filed June 3, 2010
8. Amended Answer and Counterclaim of Defendant Pennsylvania Life Insurance Company filed June 29, 2010
9. Transcript of Trial, December 13, 2012
10. Transcript of Trial, December 14, 2012
11. Transcript of Trial, December 20, 2012
12. Transcript of Trial, December 21, 2012
13. Defendant's Trial Exhibits, D1-23
 - D-1 Specimen copy of disability policy
 - D-2 Policy Holder's Claim Report signed 08/27/08
 - D-3 Receipt from Carolina Wings & Ribhouse dated June 18, 2008
 - D-4 Affidavit of Mike Russell dated October 31, 2012 and exhibits
 - D-5 South Carolina Traffic Collision Report Form
 - D-6 South Carolina FR-10 Notice of Requirement
 - D-7 Uniform Traffic Tickets
 - D-8 Advisement of Implied Consent Rights
 - D-9 Application
 - D-10 Receipt - unsigned
 - D-11 Second Application
 - D-12 Receipt - dated 07/05/02
 - D-13 Change of Benefits Agreement
 - D-14 Disability policy schedules and riders
 - D-15 Supporting Documents Re: Benefit Payments
 - D-16 Summary of Benefit Payments
 - D-17 Payment Report
 - D-18 11/09/11 Referral to Medical Director
 - D-19 Reservation of Rights Letter
 - D-20 Pick List
 - D-21 Records from Lexington Medical Center
 - D-22 Lab Information System records received from Lexington Medical Center
 - D-23 Documents received from SLED
14. Defendant Pennsylvania Life Insurance Company's Motion to Alter or Amend Order filed June 25, 2013
15. Transcript of Hearing on Defendant Pennsylvania Life Insurance Company's Motion to Alter or Amend Order, October 15, 2013

Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to the appeal.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

D. Larry Kristinik
SC Bar No. 064983
Elizabeth Herlong Brogdon
SC Bar No. 8281
Michael J. Anzelmo
SC Bar No. 72933
Kristen E. Horne
SC Bar No. 75151
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

Attorneys for Pennsylvania Life Insurance Company

October 9, 2014

RECEIVED
OCT 09 2014
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Eugene C. Griffith, Jr., Circuit Court Judge

Case No. 2011-CP-32-04981
Appellate Case No. 2014-000671

Mike Russell, Respondent,
v.
Randolph Gill and Pennsylvania Life Insurance
Company, Defendants
Of Whom Pennsylvania Life Insurance Company is, Appellant.

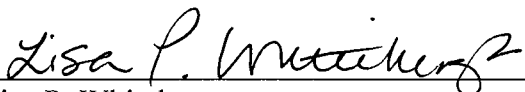
PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellant, Pennsylvania Life Insurance Company, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same United States Mail, prepaid, to the following address(es):

Pleadings: **Appellant's Designation of Matter to be Included in the Record on Appeal**

Counsel Served:

S. Jahue Moore, Esquire
R. Nichols Riley, Jr., Esquire
Moore Taylor Law Firm, P.A.
Post Office Box 5709
West Columbia, SC 29171



Lisa P. Whitehurst
Administrative Assistant

October 9, 2014