

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

**RECEIVED**

JAN 26 2015

APPEAL FROM Horry COUNTY  
Court of Common Pleas

**SC Court of Appeals**

Larry B. Hyman, Circuit Court Judge

---

Case Nos. 2009-CP-26-1281  
2009-CP-26-3127  
2009-CP-26-3128

(Court of Appeals Case No. 2014-001344)

---

J. Gregory Hembree, on behalf of the Horry County Police Department, Respondent,

v.

Taurus .38 Special SN: sg53109, 1994 Monaco RV VIN: 1RF120611R1010972 and  
One Thousand Eight Hundred and Forty Five Dollars (\$1,845.00) Defendant  
Property,

Michaela Albin, Individually and as Personal Representative of the Estate of Michael  
J. Albin, Appellant

---

RESPONDENT'S DESIGNATION OF MATTER ON APPEAL

---

James R. Battle  
Battle Law Firm, LLC  
PO Box 530  
Conway, SC 29528  
T: 843-248-4321  
F: 843-248-4512  
jbattle@battlelawsc.com  
SC Bar No. 73604

Attorney for Respondent

Respondent proposes that the following matters be included in the Record on Appeal:

**Orders**

1. Order of the Hon. Steven H. John dated September 23, 2009
2. Order of the Hon. Larry B. Hyman, Jr. dated August 12, 2011
3. Order of the Hon. Larry B. Hyman, Jr. dated April 5, 2012
4. Order of the Hon. Larry B. Hyman, Jr. dated November 21, 2013
5. Order of the Hon. Larry B. Hyman, Jr. dated May 12, 2014

**Pleadings**

1. Complaint, CA No. 2009-CP-26-1281, filed February 10, 2009
2. Complaint, CA No. 2009-CP-26-3127, filed March 27, 2009
3. Complaint, CA No. 2009-CP-26-3128, filed March 27, 2009
4. Answer and Counterclaim, CA No. 2009-CP-26-3128, filed June 22, 2009

**Transcripts**

1. Transcript 1: trial transcript dated July 28, 2011  
pp. 1, 7-9, 15-35, 37-39, 47, 49-52, 56, 58-59, 68-73, 86-87, 92, 96-105, 110, 114-116, 118-121, 123-126, 128-131, 136-138, 140-146, 150, 155-160, 161, 165-167, 170, 180-181, 184-191, 193-199, 203-204, 208-220.
2. Transcript 2: trial transcript dated November 12, 2013  
pp. 3-13, 15-22, 26, 31, 37, 43, 56-59
3. Transcript 3: trial transcript dated January 31, 2014  
pp. 4-9, 12-34, 36, 41, 61, 64-66, 68, 71-78, 83-84

**Exhibits**

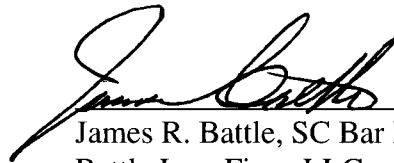
1. Transcript 1: Plaintiff's Exhibit 3
2. Transcript 2: Plaintiff's Exhibit 2, Defendant's Exhibits 1-5
3. Transcript 3: Defendant's Exhibit 1,2,4,5

**Other Materials**

1. Plaintiff's Answers to Defendant's Interrogatories filed April 6, 2009
2. Plaintiff's Affidavit for Publication filed April 16, 2009  
(w/attached certified mail envelope)
3. Order of Publication filed April 16, 2009
4. Defendant's Requests to Admit dated June 5, 2009
5. Defendant's Motion for Summary Judgment filed June 22, 2009
6. Plaintiff's Answer to Request to Admit filed July 22, 2009  
(w/attachments)
7. Plaintiff's Answers to Request for Production of Documents filed August 4, 2009
8. Defendant's Memorandum in Support of Motion for Summary Judgment dated  
September 21, 2009
9. Defendant's Motion to Amend Judgment filed August 26, 2011  
(w/attached Pre-Trial Brief)
10. Remittitur filed July 5, 2013
11. Defendant's Request for Damages Hearing filed August 5, 2013
12. Defendant's Request for Production dated October 11, 2013
13. Defendant's Request to Admit dated October 16, 2013
14. Plaintiff's Answers to Defendant's Request to Admit/Interrogatories filed  
November 7, 2013
15. Plaintiff's Supplemental Answers to Defendant Interrogatories dated November  
18, 2013  
(w/attached Affidavit)
16. Plaintiff's Answers to Defendants Request to Admit dated November 18, 2013

17. Plaintiff's Memorandum of Law Regarding Attorney's Fees dated February 6, 2014
18. Defendant's Reply Memorandum dated February 17, 2014
19. Defendant's Petition and Affidavit of Attorney's Fees dated February 25, 2014
20. Defendant's Proposed Order submitted February of 2014

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



---

James R. Battle, SC Bar No. 73604  
Battle Law Firm, LLC  
PO Box 530  
Conway, SC 29528  
T: 843-248-4321  
F: 843-248-4512  
jbattle@battlelawsc.com  
Attorney for Respondent

January 22, 2015

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 Nos. 2009-CP-26-1281  
2009-CP-26-3127  
2009-CP-26-3128

(Court of Appeals Case No. 2014-001344)

---

J. Gregory Hembree, on behalf of the Horry County Police Department, Respondent,

v.

Taurus .38 Special SN: sg53109, 1994 Monaco RV VIN: 1RF120611R1010972 and  
One Thousand Eight Hundred and Forty Five Dollars (\$1,845.00) Defendant  
Property,

Michaela Albin, Individually and as Personal Representative of the Estate of Michael  
J. Albin, Appellant

---

PROOF OF SERVICE

---

Teresa Phillips certifies that she is an employee with the Battle Law Firm, LLC,  
representing Respondent, and that she has mailed the Initial Brief and Designation of  
Matter of behalf of Respondent to the addressee shown this \_\_\_ day of January, 2015,  
with the proper postage attached thereto.

ADDRESSEE:

David Canty, Esq.  
David J. Canty, PA  
4612 Oleander Dr.  
Myrtle Beach, SC 29577

Signature Follows

**RECEIVED**  
JAN 26 2015  
**SC Court of Appeals**

*Teresa Phillips*

---

Teresa Phillips  
Battle Law Firm, LLC  
PO Box 530  
Conway, SC 29528  
(843) 248-4321

**BATTLE LAW FIRM, LLC**  
ATTORNEYS AND COUNSELORS AT LAW  
1200 MAIN STREET  
POST OFFICE BOX 530  
CONWAY, SOUTH CAROLINA 29528  
TELEPHONE (843) 248-4321  
FACSIMILE (843) 248-4512  
www.battlelawfirm.com

MICHAEL W. BATTLE  
E-Mail Address: [mbattle@battlelawsc.com](mailto:mbattle@battlelawsc.com)  
JAMES R. BATTLE, II  
E-Mail Address: [jbattle@battlelawsc.com](mailto:jbattle@battlelawsc.com)

M. KIRK BATTLE  
E-Mail Address: [kbattle@battlelawsc.com](mailto:kbattle@battlelawsc.com)

January 22, 2015

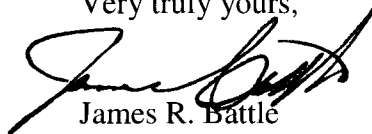
The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 116929  
Columbia, SC 29211

RE: J. Gregory Hembree, et al. v. Michaela Albin, et al.  
Appellate Case No.: 2014-001344

Dear Madam Clerk:

Enclosed please find Respondent's Initial Brief, Respondent's Designation of Matter and Proof of Service in the above referenced matter. By copy of this letter I am serving the attorney for the Appellant with a copy of these documents. Please return a clocked copy of the Proof of Service. I have enclosed an extra copy of the Proof of Service, as well as a self-addressed, stamped envelope for your convenience.

Very truly yours,

  
James R. Battle

Enclosure stated

Cc: David Canty, Esq.

**RECEIVED**  
JAN 26 2015  
**SC Court of Appeals**

**BATTLE LAW FIRM, LLC**  
1200 MAIN STREET  
POST OFFICE BOX 530  
CONWAY, SOUTH CAROLINA 29528-0530

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 116929  
Columbia, SC 29211

**RECEIVED**

JAN 26 2015

**SC Court of Appeals**

