

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

J. Mark Hayes, III, Circuit Court Judge

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Case No.: 2009-CP-42-5373

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James Hoftiezer, as Personal Representative for the Estate of Martha Hoftiezer . . . . .  
..... Appellant,

v.

D. Mark Hicklin, M.D., Drs. Taylor, Hicklin, Westmoreland and Coley, P.A., and  
Spartanburg Regional Health Services District, Inc., d/b/a Spartanburg Regional Healthcare  
System . . . . . Respondents.

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DESIGNATION OF MATTER TO BE INCLUDED IN  
THE RECORD ON APPEAL

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Respondents propose the following be included in the Record on Appeal:

1. October 19, 2011 Order Granting Summary Judgment
2. September 28, 2011 Form 4 Order
3. February 24, 2011 Amended Consent Scheduling Order
4. February 10, 2009 Notice of Intent to File Suit
5. October 1, 2009 Summons and Complaint
6. November 17, 2009 Answer
7. November 30, 2009 Reply to Answer
8. November 10, 2010 Amended Reply to Answer
9. April 15, 2011 Motion for Summary Judgment
10. November 15, 2011 Notice of Appeal
11. September 1, 2011 Hearing Transcript

12. Exhibits to Memorandum in Support of Defendants' Motion for Summary Judgment
13. Exhibit 2, Plaintiff's Memorandum Opposing Summary Judgment
14. Affidavit of Mark Hicklin
15. Supplemental Affidavit of Bryan McCain
16. Deposition of Edwin Haskell, pp. 11, 12, 18, 22-27, and Exhibits 2, 3, 4, 5, 6, 7, 8
17. Deposition of Mark Hicklin, p. 62
18. Deposition of Bryan McCain, pp. 32-44

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

HOLCOMBE BOMAR, P.A.



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Attorneys for Respondents

July 26, 2012

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**PROOF OF SERVICE**

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I certify that I have served Plaintiff's Initial Brief and Designation of Matter to be Included  
in Record on Appeal on the following party by depositing a copy of it in the United States Mail,  
postage prepaid, on July 26, 2012, addressed to the attorney of record listed below:

Ruskin C. Foster, Esquire  
Mike Kelly Law Group, LLC  
500 Taylor Street  
Columbia, SC 29201

**RECEIVED**  
JUL 30 2012  
SC Court of Appeals

  
\_\_\_\_\_  
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A. Todd Darwin  
J. Hayes Walsh  
Nathaniel P. Mark  
Joshua T. Thompson  
Kyle T. Clelland

Neville Holcombe, 1902-1983  
Horace L. Bomar, 1912-1994

July 26, 2012

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

RE: Hoftiezer v. Hicklin, et al  
C.A. No. 2009-CP-42-5373  
Our File No. 10756

Dear Ms. Kitchings:

Enclosed please find for filing the original and one copy of Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal and Proof of Service. Please return a filed copy of the Motion in the enclosed self-addressed, stamped envelope. By copy of this letter, we are serving Appellant's counsel with a copy of these pleadings.

Thank you for your cooperation and assistance in this matter.

With kindest regards, I am

Very truly yours,

PERRY D. BOULIER

/rr

Enclosures

c: Ruskin C. Foster, Esq. (w/enclosures)

**RECEIVED**

JUL 30 2012

**SC Court of Appeals**