

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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MAY 26 2015

APPEAL FROM BAMBERG COUNTY  
Court of Common Pleas

SC Court of Appeals

Doyet A. Early, III, Circuit Court Judge

Case No. 2013-CP-05-63

Appellate Case No. 2015-000246

Janette Buchanan and Shana Smallwood, Individually  
and as Co-Personal Representatives of the Estate of  
James S. Buchanan, ..... Respondents,

v.

The South Carolina Property and Casualty Insurance  
Guaranty Association, ..... Appellant.

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

Pursuant to Rule 209, SCACR, Appellant The South Carolina Property and Casualty Insurance Guaranty Association ("Appellant") designates the following material for inclusion in the record on appeal:

**ORDERS**

1. Form 4 Judgment in a Civil Case of the Honorable Doyet A. Early, III, Denying Appellant's Motion to Reconsider filed January 22, 2015;
2. Order of the Honorable Doyet A. Early, III, Granting Respondents' Motion for Summary Judgment and Denying Appellant's Motion for Summary Judgment filed September 10, 2014;

**PLEADINGS**

3. Complaint for Declaratory Judgment filed April 12, 2013;

4. Answer filed November 8, 2013;

### MOTIONS

5. Appellant's Motion for Summary Judgment filed April 22, 2014;
6. Respondents' Notice of Motion and Motion for Summary Judgment filed May 15, 2014;
7. Appellant's Memorandum in Support of Appellant's Motion for Summary Judgment and in Opposition to Respondents' Cross-Motion for Summary Judgment filed May 27, 2014, with Appendix and Exhibit; Appendix and Exhibit itemized below:
  - a. Appendix: Description of Cases from Majority of Other States Ruling on Issue;
  - b. Exhibit: Order Approving Settlement with attached Stipulations and Settlement Agreement Between Parties;
8. Respondents' Memorandum in Support of Summary Judgment dated May 27, 2014 (not signed or filed but emailed to court and Appellant's counsel);
9. Appellant's Supplemental Memorandum in Support of Appellant's Motion for Summary Judgment and in Opposition to Respondents' Cross-Motion for Summary Judgment filed June 24, 2014;
10. Respondents' Supplemental Brief in Support of for [sic] Summary Judgment dated July 2, 2014 (not filed but delivered to court and Appellant's counsel);
11. Appellant's Motion Pursuant to S.C.R. Civ. P. 52(b) and 59(e) Regarding Order Filed September 10, 2014 filed September 26, 2014;
12. Appellant's Second Supplemental Memorandum in Support of Appellant's Motion for Summary Judgment and in Opposition to Respondents' Cross-Motion for Summary Judgment and in Support of Appellant's Motion for Reconsideration filed November 6, 2014, with Exhibit; Exhibit itemized below:
  - a. *South Carolina Property and Casualty Insurance Guaranty Association v. Roger Brock, et al.*, Slip Op. No. 27458 (Oct. 29, 2014) (subsequently published at 410 S.C. 361, 764 S.E.2d 920);
13. Respondents' Reply to Appellant's Motion to Reconsider filed November 12, 2014;

### TRANSCRIPTS

14. Transcript of Hearing of May 28, 2014;

15. Transcript of Hearing of November 13, 2014; and

**MISCELLANEOUS**

16. Notice of Appeal filed February 10, 2015.

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

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The South Carolina Property and Casualty Insurance Appellant.  
Guaranty Association, .....

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for The South Carolina Property and Casualty Insurance Guaranty Association, 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 by United States Mail, postage prepaid, to the following address(es):

Pleadings:

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

Counsel Served:

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*Lisa P. Whitehurst*

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Administrative Assistant

May 26, 2015