

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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SEP 25 2015  
SC Court of Appeals

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

R. Knox McMahon, Circuit Court Judge

Case No.: 2012-CP-02-1691  
Appellate Case No.: 2015-000409

Benjamin K. Henderson, ..... Appellant,

-v-

Patricia Greer, ..... Respondent

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

Appellant designates the following items for inclusion in the Record on Appeal,  
in addition to the materials designated by the Respondent.

- 1) Order Denying Plaintiff's Motion for New Trial or New Trial *Nisi Additur* dated February 5, 2015;
- 2) Jury Verdict rendered October 14, 2014;
- 3) Judgment entered October 15, 2015;
- 4) Plaintiff's Motion for New Trial or New Trial *Nisi Additur* filed October 23, 2014;
- 5) Summons and Complaint filed July 12, 2012;
- 6) Defendant's Answer to Complaint dated September 20, 2012;

- 7) Trial Transcript of proceedings and the testimony of the following witnesses:
  - a) Table of Contents and Case Called – pp. 1-7;
  - b) Opening Remarks by Court – pp. 33-39;
  - c) Opening Statement – Appellant – pp. 40-45;
  - d) Opening Statement – Respondent – pp. 46-53;
  - e) Testimony of Bryant Henderson – pp. 53-82;
  - f) Statements about Publishing Testimony of Luis Vega, MD – pp. 83-86;
  - g) Statements about Publishing Testimony of Craig Carter, MD – pp. 87-88;
  - h) Testimony of Benjamin Henderson – pp. 91-103
  - i) Testimony of Patricia Greer – pp. 119-131; 135; 138-139; 142-149;
  - j) Directed Verdict Motions – pp. 150-159;
  - k) Closing Argument – Appellant – pp. 159-166;
  - l) Closing Argument – Respondent – pp. 166-176;
  - m) Reply Argument – Appellant – pp. 176-177;
  - n) Jury Charge – pp. 177-194;
  - o) Jury Question – pp. 194-196;
  - p) Verdict – pp. 197-200.
- 8) Plaintiff's Exhibits – 1; 3; 12;
- 9) Craig Carter, MD, Video Deposition –
  - a) Page 4, line 20 – Page 6, line 19
  - b) Page 16, line 7 – Page 26, line 20

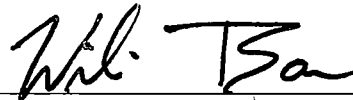
- c) Page 30, lines 10 – 22.
- 
- 10) Luis Vega, MD, Video Deposition –
    - a) Page 4, line 6 – Page 9, line 21;
    - b) Page 10, line 6 – Page 13, line, 3;
    - c) Page 13, line 11 – Page 14, line 1;
    - d) Page 25, lines 10 – 22.
  - 11) Notice of Appeal filed March 2, 2015;
  - 12) Letter of February 26, 2015 from Barnes to Court Reporter Sigwald requesting complete transcript;
  - 13) Letter of February 26, 2015 from Barnes to Clerk of Court Godard filing copy of Notice of Appeal;
  - 14) Letter of February 26, 2015 from Barnes to Clerk, SC Court of Appeals filing Notice of Appeal;
  - 15) Letter of June 24, 2015 from Barnes to Clerk, SC Court of Appeals advising transcript received

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

Respectfully submitted,

PETERS, MURDAUGH, PARKER, ELTZROTH  
& DETRICK, P.A.

BY:



William F. Barnes, III  
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*Attorney for Appellant*

September 22, 2015  
Hampton, South Carolina

**CERTIFICATE OF SERVICE**

This is to certify that I, **Megan C. Davis**, with the Law Firm of Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A., Attorney for the Appellant, have this date mailed via the U.S. Postal Service with first class postage prepaid, a true and correct copy of the within **APPELLANTS' DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** to:

A. Shane Massey, Esquire  
Nance, McCants & Massey  
Post Office Box 2881  
Aiken, SC 29801

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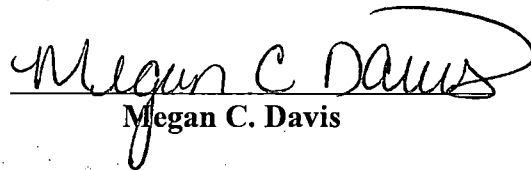
SEP 25 2015

*Attorney for Respondent, Patricia Greer*

**SC Court of Appeals**

**Re: Benjamin K. Henderson v. Patricia Greer**  
**Case No. 2012-CP-02-1691**  
**Appellate Case No.: 2015-000409**

September 22<sup>nd</sup>, 2015  
Hampton, South Carolina

  
Megan C. Davis

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Case No.: 2012-CP-02-1691  
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Benjamin K. Henderson, ..... Appellant,

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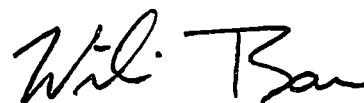
Patricia Greer, ..... Respondent

**PROOF OF SERVICE**

This is to certify that I, William F. Barnes, III, with the Law Firm of Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A., Attorney for the Appellant, have this date mailed via the U.S. Postal Service with first class postage prepaid, a true and correct copy of the within **INITIAL BRIEF OF APPELLANT and DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** to:

A. Shane Massey, Esquire  
Nance, McCants & Massey  
Post Office Box 2881  
Aiken, SC 29801

*Attorney for Respondent, Patricia Greer*



William F. Barnes, III

September 22, 2015  
Hampton, South Carolina

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WILLIAM F. BARNES, III  
AUSTIN H. CROSBY

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September 22, 2015

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SEP 25 2015

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
S.C. Court of Appeals Clerk of Court  
Post Office Box 11629  
Columbia, SC 29211-1629

**Re: Benjamin Henderson v. Patricia Greer**  
**Civil Action No.: 12-CP-02-1691**  
**Appellate Case No.: 2015-000409**

Dear Ms. Kitchings:

Please find enclosed the original and two copies of *Appellant's Initial Brief, Designation of Matter to be Included in the Record on Appeal*, and *Certificates of Service* in the above referenced matter. Please file the originals and return clocked-in copies of each in the envelope provided.

By copy of this letter, Appellant's Initial Brief and Designation of Matter are being served on all counsel of record.

With kind regards, I am

Sincerely,  


William F. Barnes, III

WFB/mcd  
Enclosures as stated

cc: A. Shane Massey, Esquire



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SC Court of Appeals

**First Class Mail**

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TO:

The Honorable Jenny Abbott Kitchings  
S.C. Court of Appeals Clerk of Court  
Post Office Box 11629  
Columbia, SC 29211-1629