

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SALUDA COUNTY
Court of Common Pleas
The Honorable R. Lawton McIntosh, Circuit Judge

RECEIVED

JAN 22 2016

Appellate Case No. 2015-001159

S.C. SUPREME COURT

Walter Smith,Respondent,

v.

Norman K. Tiffany, Brown Trucking Company and
Brown Integrated Logistics, Inc.,Appellants,

v.

Corbett James Mizzell, III,Respondent.

**DESIGNATION OF MATTERS TO BE INCLUDED IN THE
RECORD ON APPEAL BY RESPONDENT WALTER SMITH**

Respondent Walter Smith, by and through the undersigned counsel, proposes the following to be included in the Record on Appeal:

Orders, Judgments, Decrees, or Decisions:

1. Order Granting Third-Party Defendant's Motion for Summary Judgment, filed May 15, 2015
2. Order Granting Motion for Protective Order to Quash Notice of Deposition of Plaintiff, filed April 30, 2015
3. Form 4 Order re Motions Hearing, filed April 9, 2015
4. Form 4 Order denying Motion to Dismiss, filed Nov. 12, 2013
5. Order of Judge Seals, filed Dec. 31, 2013

6. Order Appointing Conservator, Nov. 5, 2014

Pleadings

7. Complaint, filed April 25, 2013
8. Answer and Third-Party Complaint, filed June 17, 2013

Transcripts

9. Transcript of Hearing on Motion for Summary Judgment and Plaintiff's Motion to Quash, dated March 18, 2015
10. Transcript of hearing on Motion to Dismiss before Judge Seals, dated Nov. 12, 2013

Motions, Memos and Other Materials or Documents

11. Third-Party Defendant Mizzell's Motion for Summary Judgment, filed May 9, 2014
12. Third-Party Defendant Mizzell's Memorandum in Support of Motion for Summary Judgment (submitted for 3/18/15 hearing)
13. Plaintiff's Memorandum in Support of Third-Party Defendant's Motion for Summary Judgment and Plaintiff's Motion to Strike Third-Party Plaintiff's Complaint, filed Dec. 5, 2014
14. Defendant/Third-Party Plaintiff Brown's Memo for March 18, 2015 hearing
15. Plaintiff's Motion to Quash Plaintiff's Deposition, filed May 13, 2014
16. Plaintiff's Memo in Support of Motion to Quash Defendant's Notice of Deposition and for Protective Order and in Opposition to Defendant's Motion to Compel the Deposition of Plaintiff, filed Jan. 8, 2015
17. Third-Party Defendant Mizzell's Motion to Dismiss, filed Aug. 26, 2013
18. Third-Party Defendant Mizzell's Memo in Support of Motion to Dismiss Third-Party Complaint (submitted for 11/12/13 hearing)
19. Defendant/Third-Party Plaintiff Brown's Memo in Opposition to Third-Party Defendant Mizzell's Motion to Dismiss (submitted for 11/12/13 hearing)
20. Covenant Not to Execute, dated February 8, 2013
21. Deposition of Dr. Marshall White, dated May 29, 2014, pp. 38 – 60, 125 – 129,

22. Correspondence of Dr. White, dated March 31, 2014, stating it would be detrimental and inappropriate to depose Plaintiff Walter Smith Jr.
23. Deposition of Carol Elaine Smith, dated Aug. 5, 2014
24. Deposition of Brenda Diane Smith, dated Aug. 5, 2014

I certify that this Designation of Matters contains no matter which is irrelevant to this appeal.

Respectfully submitted,



Allan P. Sloan, III, SC Bar #006914
Kristen B. Fehsenfeld, SC Bar #76971
PIERCE, HERNS, SLOAN & WILSON, LLC
P.O. Box 22437
Charleston, SC 29402
Phone: (843)722-7733; Fax: (843)722-7732
chipsloan@phswlaw.com
kristenfehsefeld@phswlaw.com

Ralph Kennedy, SC Bar # 007916
KENNEDY LAW FIRM
P.O. Box 2559
Batesburg-Leesville, SC 29070
Phone: (803)532-4100; Fax: 803-532-0909
ralphkennedy@kennedylawsc.com
Attorneys for the Respondent Walter Smith

Charleston, South Carolina

Dated: 1-19-10

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SALUDA COUNTY
Court of Common Pleas

The Honorable R. Lawton McIntosh, Circuit Judge

Appellate Case No. 2015-001159

RECEIVED

JAN 22 2016

S.C. SUPREME COURT

Walter Smith,Respondent,

v.

Norman K. Tiffany, Brown Trucking Company and
Brown Integrated Logistics, Inc.,Appellants,

v.

Corbett James Mizzell, III,Respondent.

PROOF OF SERVICE

I certify that I have served copies of the Initial Brief of Respondent Walter Smith and Respondent's Designation of Matter to be Included in the Record on Appeal by depositing copies of same in the United States Mail, postage prepaid, on January 19, 2016, addressed to the respective attorneys of record:

T. McRoy Shelley, III, SC Bar #007067 Steven T. Moon, SC Bar #006488 ROGERS TOWNSEND & THOMAS, PC P.O. Box 100200 Columbia, SC 29202 Phone: (803)771-7900; Fax (803)343-7017 roy.shelley@rtt-law.com <i>Attorneys for Appellants</i>	Robert T. King, SC Bar #66237 KING LOVE & SMITH, LLC 135 S. Dargan Street, Suite 201 Florence, SC 29501 Phone: (843)407-5525 <i>Attorney for Respondent Corbett James Mizzell, III</i>
---	---



Allan P. Sloan, III, SC Bar #006914
Kristen B. Fehsenfeld, SC Bar #76971
PIERCE, HERNS, SLOAN & WILSON, LLC
P.O. Box 22437
Charleston, SC 29402
Phone: (843)722-7733; Fax: (843)722-7732
chipsloan@phswlaw.com
kristenfehsefeld@phswlaw.com

Ralph Kennedy, SC Bar # 007916
KENNEDY LAW FIRM
P.O. Box 2559
Batesburg-Leesville, SC 29070
Phone: (803)532-4100; Fax: 803-532-0909
ralphkennedy@kennedylawsc.com

Attorneys for the Respondent Walter Smith

Charleston, South Carolina
Dated: 1-19-16