

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

APPEAL FROM FAIRFIELD COUNTY
Court of Common Pleas
Roger L. Couch, Circuit Court Judge

JAN 22 2016
SC Court of Appeals

Appellate Case No. 2015-001964

Philip Ethier and Jeanne Ethier,

Appellants,

v.

Fairfield Memorial Hospital; Guy R. Bibeau, M.D.; Tuomey
Medical Professionals, Inc; and Pee Dee Emergency Medical
Associates, PA,

Defendants,

Of whom Guy R. Bibeau, M.D., is the Respondent.

**APPELLANTS' DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellants propose the following be included in the record on appeal:

1. Form 4 Order and Judgment filed April 30, 2015, including jury verdict rendered April 8, 2015;
2. Order of the Honorable Roger L. Couch denying Plaintiffs' Motions for New Trial and Rule 59 Motion to Amend the Order and Judgment filed September 8, 2015;
3. Summons and Complaint filed January 4, 2013;
4. Plaintiffs' Motion for New Trial and Memorandum in Support, with Exhibits A through D, filed April 20, 2015;
5. Plaintiffs' Rule 59 Motion to Amend or Correct the Form 4 Order and Judgment filed May 11, 2015;

6. Plaintiff's Motion for New Trial and Memorandum in Support, with Exhibits A through L, filed June 30, 2015;
7. Plaintiffs' Rule 59 Motion to Amend or Correct the Form 4 Order and Judgment and Memorandum in Support, with Exhibit A, filed June 30, 2015;
8. Plaintiffs' counsel letter to Clerk filing transcript of voir dire and jury selection at trial and transcript of juror evidentiary hearing, filed June 30, 2015;
9. Transcript of juror evidentiary hearing held May 12, 2015;
10. Transcript of hearing on Plaintiffs' post-trial motions on July 6, 2015;
11. Following pages of the trial transcript:

Index pages;

pp. 7-41;

p. 77;

pp. 89-114;

p. 138;

pp. 148-176, 178-194;

pp. 241, 244;

pp. 245-246;

pp. 246-277;

p. 309;

pp. 310-348, 357-361, 363-414;

pp. 464-465;

pp. 514-516, 526;

pp. 528-564;

pp. 605-608;

p. 728 and Tr. of Video Dep. of Samantha Anthony, pp. 1-8, 9-10, 14-17, 19-21, 26-31;

pp. 786-831;

pp. 871, 878-888;

pp. 896-898, 909-911;

pp. 912, 916, 918-920;

pp. 953, 976-982;

pp. 986-1029;

pp. 1025, 1057-1058, 1068-1069;

pp. 1073-1074, 1088-1089;

pp. 1092, 1098-1099, 1143-1144;

pp. 1151-1164;

p. 1209;

pp. 1248-1295;

pp. 1298, 1300-1301, 1306-1307, 1320-1322, 1330;

pp. 1331-1345;

pp. 1371, 1373-1375, 1379-1385;
pp. 1386-1395.

12. Plaintiffs' Demonstrative Exhibits 1, 2, 3, 4;
13. Plaintiffs' Exhibit 22;
14. Plaintiffs' Demonstrative Exhibits 23, 24, 25;
15. Plaintiffs' Exhibit 46;
16. Plaintiffs' Exhibits 7, 9, 10, 11, 13, 15 and 16.

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



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Attorneys for Appellants

January 21, 2016

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PROOF OF SERVICE

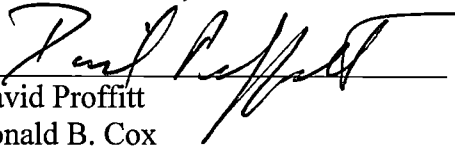
I certify that I have served Appellants' Initial Brief and Designation of Matter on Respondent by depositing a copy of them in the United States Mail, postage prepaid, on January 20, 2016, addressed to his attorneys of record:

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SC Court of Appeals

January 21, 2016

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

RE: Philip Ethier and Jeanne Ethier v. Guy R. Bibeau, M.D.
C.A. No. 2013-CP-20-12
PC File No. 1236.01

Dear Ms. Kitchings:

We represent Appellants Philip and Jeanne Ethier in this appeal. Please find enclosed for filing the following:

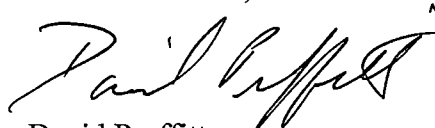
- Appellants' Initial Brief;
- Appellants' Designation of Matter; and
- Appellants' Motion for Permission to File Brief Exceeding Page Limit.

Please file the originals and return the date-stamped copies to us. Also enclosed is a check in the amount of \$25 for the motion filing fee.

With kindest personal regards, I remain

Sincerely yours,

PROFFITT & COX, LLP



David Proffitt

RDP/nif
Enclosures

cc: Andrew F. Lindemann (w/ enclosures)
G. Murrell Smith, Jr. (w/ enclosures)
David Holler (w/ enclosures)
Stanley L. Myers (w/ enclosures)