

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM ABBEVILLE COUNTY  
Court of Common Pleas  
Honorable Frank R. Addy, Jr., Circuit Court Judge

Case No.: 2011-CP-01-109  
Appellate Case No. 2015-001660

RECEIVED  
FEB 02 2016  
SC Court of Appeals

Robert E. Smith and William K. Smith ..... Appellants,

v.

Erskine College ..... Respondent.

RESPONDENT'S DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL

The Respondent proposes the following to be included in the Record on Appeal:

1. Defendant's Exhibit 1, Affidavit of Greg Haselden with documents bates numbered as Erskine 00001 through Erskine 0168;
2. Defendant's Trial Brief dated May 19, 2014;
3. Defendant's Response to Plaintiffs' Motion Pursuant to Rule 59(e), SCRCP;
4. Trial Court Order dated January 2, 2015;
5. Trial Court Revised Order dated July 2, 2015;
6. Transcript of Record for Trial, May 22, 2014, pp. 1-70;
7. Transcript of Record for Motion Pursuant to Rule 59(e), SCRCP, May 18, 2015, pp. 1-26;

8. Plaintiff's Exhibits 2-3, Certificate Number 725 and Sub-Certificates; and
9. Plaintiff's Exhibit, Affidavit of William K. Smith

I certify that this Designation of Matter to be included in the Record of Appeal contains no matter which is irrelevant to this appeal.

McDONALD PATRICK POSTON  
HEMPHILL & ROPER, LLC



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Attorneys for Respondent Erskine College

February 2, 2016  
Greenwood, South Carolina

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**PROOF OF SERVICE**

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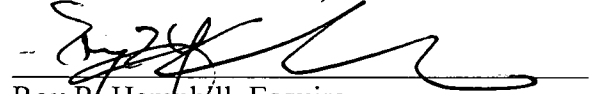
I certify that I have served the Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal, to the attorneys for the Appellants, by placing it in the US postal mail, postage pre-paid on February 2, 2016, addressed to its attorneys of record, James Randall Davis, Esquire, W. Joseph Maye, Esquire, and Nikki G. Setzler, Esquire, at the following addresses:

James Randall Davis, Esq.  
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(Signature Page to Follow)

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February 2, 2016

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The Honorable Jenny Abbott Kitchings  
Clerk for the South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

Re: Robert E. Smith and William K. Smith v. Erskine College  
Appellate Case No. 201-001660

Dear Ms. Kitchings:

Please find enclosed the original and one (1) copy of the Respondent's Initial Brief, Designation of Matter to be Included in Record on Appeal, and Proof of Service. After filing, please return the clocked-in copies to our office.

By copy of this letter and its enclosures to the Appellant's attorneys, James Randall Davis, Esq., and Nikki G. Setzler, Esq, I am herewith serving same upon them.

If you have any questions, please do not hesitate to let me know.

Yours truly,

McDONALD PATRICK POSTON  
HEMPHILL & ROPER, LLC



Roy R. Hemphill

RRH/mc  
Enclosure

Cc: James Randall Davis, Esq.  
Nikki G. Setzler, Esq.

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