

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Diane Schafer Goodstein, Circuit Court Judge

Case No. 2012-CP-07-03782

RECEIVED
APR 11 2016
SC Court of Appeals

Rebecca Delaney, as Personal
Representative of the Estate of
Justin Nicholas Miller,

Appellant,

v.

CasePro, Inc.,

Respondent.

FIRST DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

Orders

1. Order Granting Plaintiff's Motion for Remand (July 2, 2013)
2. Order Denying Defendant CasePro, Inc.'s Amended Motion to Dismiss
3. Order Granting Third-Party Defendant United States of America's Motion to Dismiss
4. Order Granting Defendant State Office of Veteran's Affairs Motion for Summary Judgment
5. Order Granting Plaintiff's Motion for Remand (April 23, 2014)
6. Order Denying Defendant CasePro, Inc.'s Motion for Summary Judgment
7. Order Denying Defendant CasePro, Inc.'s Motion for Reconsideration

Judgments

8. Form 4, Judgment in a Civil Case with Jury Verdict Form

Pleadings

9. Plaintiff's Complaint

10. Answer of Defendant CasePro, Inc.
11. Plaintiff's First Amended Complaint
12. Answer of Defendant CasePro, Inc. to Plaintiff's First Amended Complaint

Transcripts

13. Trial Transcript, (Whiddon, CR):
 - a. No proposed pages at this time.
14. Trial Transcript, (Rowe, CR):
 - a. Corporal Jamie Perry: 149, 153, 164-165
 - b. Melanie Smith: 202, 213
 - c. Janice McDonald: 270-271, 277-287, 291, 293, 299, 300-312, 327-335
 - d. Joseph McDonald: 431, 448, 462, 481-482, 486-489, 551-552
 - e. Dr. Christian Jansen: 735, 775-778, 845-851, 866-879
 - f. Fire Chief Sammy Negron: 1037, 1045-1050
 - g. Dr. Terrence L. Baker: 1060-1073; 1084-1091; 1113-1149; 1202-1210
 - h. Circuit Court requests parties provide proposed jury charges: 1251
 - i. Dr. Erik Oberg: 1314-1340
 - j. Publishing Order NGRI: 1352-1359
 - k. Court Ruling on Duty for purposes of Directed Verdict: 1442
 - l. Argument and Ruling on Jury Charges: 1471-1472
 - m. Jury Charge: 1542-1566
 - n. Exception and Proposed Addition to Jury Charge: 1567-1568

Charges

15. Plaintiff's Requested Jury Instructions

Trial Exhibits

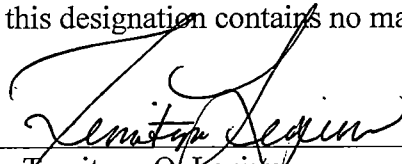
16. Plaintiff Exhibit 1 (DVD of 911 calls) (with Clerk of Court)
17. Plaintiff Exhibit 3 (Photos A-Z from Highway Patrol)
18. Plaintiff Exhibit 19 (Saundra Smith note)
19. Plaintiff Exhibit 20 (ER Records)
20. Plaintiff Exhibit 23 (DVD of firetruck video) with Clerk of Court

Court Exhibits

21. Court Exhibit 3 (Koren Pope transcript excerpts)
22. Court Exhibit 3-A (Saundra Smith transcript excerpts)
23. Court Exhibit 9 (Dr. Beverly Hendelman transcript excerpts)
24. Court Exhibit 10 (Arthur Manning transcript excerpts)

I certify this 7th day of April, 2016 that this designation contains no matter which is irrelevant to this appeal.

By:



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PROOF OF SERVICE

I certify that I have served Appellant's Initial Brief and Appellant's First Designation of Matter to be included in the Record on Appeal on CasePro, Inc. by depositing same in the United States Mail, with sufficient first class postage attached, on April 7, 2016, to its attorneys of record, Douglas W. Mackelcan, Esq. and D. Gary Lovell, Jr., Esq. of CARLOCK, COPELAND & STAIR, LLP located at 40 Calhoun Street, Suite 400 Charleston, South Carolina 29401-3531.

April 7, 2016

By: 

Temitope O. Leyimu

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"I will stand for my client's rights.
I am a trial lawyer."
-Ron Motley (1944-2013)

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April 7, 2016

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SC Court of Appeals

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

Re: *Rebecca Delaney, as Personal Representative of the Estate of Justin Miller, vs. CasePro, Inc.*, Case Number: 2012-CP-07-03782
Appellate Case Number 2015-002466

Dear Ms. Kitchings:

Enclosed for filing is Appellant's Initial Brief and Appellant's Initial Designation of Matter to be Included in the Record on Appeal in the above case along with a Proof of Service.

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

With kind regards, I remain

Respectfully yours

A handwritten signature in black ink, appearing to read "T. David Hoyle". The signature is stylized and cursive.

T. David Hoyle

TDH/cns

Enclosures

cc: Douglas Walker MacKelcan, III, Esquire
Dennis Gary Lovell, Jr., Esquire