

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM LANCASTER COUNTY  
Court of Common Pleas

Daniel D. Hall, Circuit Court Judge

Case No. 2013-CP-29-1339  
Appellate Case No. 2015-002653

**RECEIVED**  
MAY 19 2016  
SC Court of Appeals

Johnnie Mae Reed, as Personal Representative of the  
Estate of Sandra Gilbert, .....Appellant,

v.

CareNet, Inc. of Lancaster and Nimal A. Perera, M.D., ..... Respondents.

**DESIGNATION OF MATTER TO BE INCLUDED  
IN RECORD ON APPEAL OF RESPONDENTS CARENET, INC.  
OF LANCASTER AND NIMAL A. PERERA, M.D.**

Respondents CareNet, Inc. of Lancaster and Nimal A. Perera, M.D. propose that the following be included within the Record on Appeal:

1. August 19, 2015 Order on Respondents' Motion in Limine (email from The Honorable Daniel D. Hall's law clerk);
2. December 8, 2015 Order denying Appellant's Motion for a New Trial;
3. October 17, 2013 Complaint;
4. November 22, 2013 Answer;
5. June 11, 2014 Amended Complaint;
6. July 17, 2014 Answer to Amended Complaint of Respondent Nimal A. Perera, M.D.;

7. July 24, 2014 Answer to Amended Complaint of Respondent CareNet, Inc. of Lancaster;
8. August 17, 2015 Motion in Limine;
9. August 20, 2015 Memorandum in Support of Defendants' Motion in Limine;
10. August 20, 2015 Memorandum in Opposition to Defendants' Motion in Limine;
11. September 8, 2015 Motion for a New Trial;
12. November 30, 2015 Memorandum in Opposition to Plaintiff's Motion for a New Trial;
13. August 24 – 27, 2015 Trial Transcript – pages 1, 25 – 29, 40 – 43, 50, 91 – 96, 108 – 118, 143, 148, 157, 164 – 169, 173, 175, 178 – 209, 212 – 328, 353, 394, and 545<sup>1</sup>; and
14. September 3, 2014 Transcript of Rule 30(b)(6), SCRCF deposition of Respondent CareNet, Inc. of Lancaster – pages 1 – 2, 4, 35 – 36, and 48 – 49.

Counsel for Respondents CareNet, Inc. of Lancaster and Nimal A. Perera, M.D. certify that this designation contains no matter which is irrelevant to this appeal.

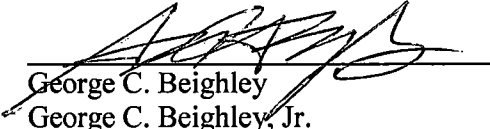
[Signature blocks on next page.]

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<sup>1</sup> Appellant's Designation of Matter to be Included in the Record on Appeal fails to set forth with specificity the parts of the Trial Transcript and Rule 30(b)(6), SCRCF deposition of Respondent CareNet, Inc. of Lancaster to be included in the Record on Appeal, in violation of Rule 209, SCACR. This defect in and of itself is grounds for dismissal of Appellant's appeal. See Henning v. Kaye, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992) (“[T]he South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State....[T]his Court would be completely justified in dismissing this appeal based on appellant's numerous violations of the Rules,....”).


Respectfully submitted this 19 day of May, 2016,

Richardson Plowden & Robinson, PA

  
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**PROOF OF SERVICE**

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The undersigned, attorneys in this matter for Respondents CareNet, Inc. of Lancaster and Nimal A. Perera, M.D., certify that we have this 19 day of May 2016 served copies of the **Initial Respondents' Brief and Designation of Matter to be Included in the Record on Appeal** upon counsel of record for the Appellant by causing them to be deposited in the United States mail with sufficient postage attached, addressed to D. Cravens Ravenel, Esq., Baker, Ravenel & Bender, L.L.P., Post Office Box 8057, Columbia, South Carolina 29202.

[Signature blocks on next page.]

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May 19, 2016

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**VIA HAND DELIVERY**

The Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

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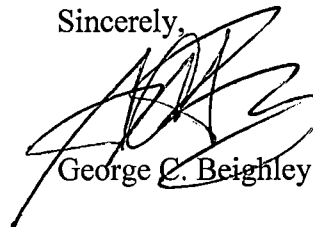
**Re: Johnnie Mae Reed, as Personal Representative of the Estate of Sandra Gilbert, Appellant v. CareNet, Inc. of Lancaster and Nimal A. Perera, MD, Respondents - APPEAL**  
**Appellate Case No.: 2015-002653**  
**Claim No.: 44760**  
**Our File No.: 4180-145**

Dear Ms. Kitchings:

Enclosed are the originals and one copy each of the following materials: (1) the Initial Respondents' Brief (on behalf of all respondents); (2) the Designation of Matter to be Included in the Record on Appeal; and (3) the Proof of Service. Please file the originals and return the extra stamped copies to our courier.

Thank you for your assistance and with kind regards, I am

Sincerely,



George C. Beighley

Enclosures

cc: D. Cravens Ravenel, Esquire (w/ enclosures)  
Perry D. Boulter, Esquire (w/o enclosures) (via email only)  
Joshua T. Thompson, Esquire (w/o enclosures) (via email only)