

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas
The Honorable Roger M. Young, Sr.

SEP 12 2016
SC Court of Appeals

Trial Court Case Nos.: 2014CP0801230, 2014CP0801231, 2014CP0801232
Appellate Case No.: 2016-000521

Estate of John Fortney, deceased, by his duly appointed
Personal Representative, Constance S. Fortney,.....Appellant,

v.

Berkeley Electric Cooperative,.....Respondent.

and

John Steven Robinson,.....Appellant,

v.

Berkeley Electric Cooperative,.....Respondent.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

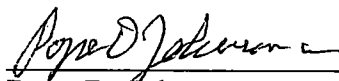
Respondent proposes the following to be included in the Record of Appeal:

1. Order Berkeley County dated February 10, 2016
2. Fortney wrongful death Complaint dated May 27, 2014
3. Fortney survival action dated May 27, 2014
4. Answer of Berkeley Electric Cooperative, Inc. (hereinafter, "BEC") as to the wrongful death action dated June 16, 2014

5. Answer of BEC as to the survival action dated June 16, 2014
6. Robinson Complaint dated May 27, 2014
7. Answer of BEC to Complaint of Robinson dated June 16, 2014
8. Discovery Response of BEC dated September 16, 2009
9. Fortney and Robinson proposed Order dated December 14, 2015
10. BEC's [proposed] Order dated December 14, 2015
11. BEC's revised [proposed] Order dated December 29, 2015
12. BEC's Rebuttal to Plaintiff's Proposed Order
13. Transcript of Hearing dated September 28, 2015 to October 2, 2015
14. Deposition transcript of Anthony Wilks (submitted in lieu of testimony) dated July 16, 2012
15. Deposition transcript of Alexander Clayson (submitted in lieu of testimony) dated August 26, 2011
16. Email correspondence dated December 14, 2015 (Respondent submits proposed Order)
17. Email correspondence dated December 29, 2015 (Respondent submits 2nd proposed Order)
18. Email correspondence dated December 29, 2015 (Appellants objections)
19. Email correspondence dated December 30, 2015 (Court directing positions to be stated)
20. Email correspondence dated December 30, 2015 (Appellants objections/positions)
21. Line measurements dated May 29, 2008
22. Line measurements dated April 23, 2008
23. Staking sheet dated February 1, 1993

24. Maintenance Records dated April 3, 1989-March 6, 2009
25. Aerial Image of Thornhill Farms dated 1993
26. Aerial Image of Thornhill Farms dated 2015
27. Photos of tents dated April 23, 2008
28. Photos of power pole dated April 23, 2008
29. Defendant's Exhibit # 2-Map of Healing Farms Ministry

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



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Attorneys for the Respondent, Berkeley
Electric Cooperative, Inc.

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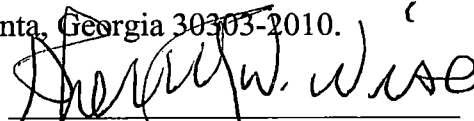
John Steven Robinson,.....Appellant,

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Berkeley Electric Cooperative,.....Respondent.

PROOF OF SERVICE

I certify that I have served a copy of the Designation of Matter to be Included in the Record on Appeal, with regard to the above cited matter on all parties by depositing a copy of said Designation of Matter in the United States Mail, postage prepaid, on September 7, 2016, addressed to the attorneys for the Appellants, Kevin B. Smith, Hoffman Law Firm, 7087 Rivers Avenue, North Charleston, SC 29406 and Don C. Keenan and Andrew Gould, Keenan Law Firm, 148 Nassau Street, N.W., Atlanta, Georgia 30303-2010.



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September 7, 2016

(Via Hand Delivery)

Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

RE: Estate of John Fortney, deceased, by his duly appointed Personal Representative, Constance S. Fortney v. Berkeley Electric Cooperative
John Steven Robinson v. Berkeley Electric Cooperative
Case No.

Dear Ms. Kitchings:

Enclosed herewith are the original and a copy of Respondent's Initial Brief and Designation of Matter regarding the above-referenced action. Please file the originals and clock and return the additional copies to me.

With a copy of this letter to Kevin B. Smith and Don C. Keenan, attorneys for the Appellant, I am serving a copy of Respondent's Initial Brief and Designation of Matter upon them.

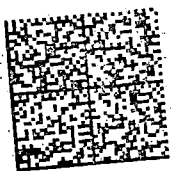
Sincerely,


Pope D. Johnson, III

PDJIII/sww
Enclosures

cc: Kevin B. Smith, Esquire
Don C. Keenan, Esquire

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