

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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APPEAL FROM ORANGEBURG COUNTY
COURT OF COMMON PLEAS
THE HONORABLE MAITE MURPHY
CIRCUIT COURT JUDGE

SEP 27 2016

SC Court of Appeals

APPELLATE CASE NO. 2016-001312
CIVIL ACTION NO. 2014-CP-38-00802 and 2014-CP-38-00803

Lindsey Stewart, Personal Representative of the Estate of Shaun Robert Moore,

APPELLANT,

versus

Green Apple, LLC, doing business as Applebee's, John/Jane Doe, Manager, and Stabler
L. Inabinet,

DEFENDANTS,

Of whom Green Apple, LLC, doing business as Applebee's is the

RESPONDENT.

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

Green Apple, LLC, doing business as Applebee's, Respondent in the above
referenced matter, proposes the following be included into the Record on Appeal:

1. Order Granting Summary Judgment to Defendant Green Apple, LLC,
d/b/a Applebee's filed August 14, 2015;

2. Form 4 Order (2014-CP-38-0802), signed May 3, 2016;
3. Form 4 Order (2014-CP-38-0803), signed May 3, 2016;
4. Amended Complaint (2014-CP-38-0802), filed August 5, 2014;
5. Amended Complaint (2014-CP-38-0803), filed August 5, 2014;
6. Green Apple's Answer to Amended Complaint (2014-CP-0802), served October 2, 2014;
7. Green Apple's Answer to Amended Complaint (2014-CP-0803), served October 2, 2014;
8. Defendant Green Apple's Motion for Summary Judgment, filed March 19, 2015;
9. Memorandum in Support of Motion for Summary Judgment of Defendant Green Apple, LLC, d/b/a Applebee's, filed March 19, 2015;
10. Affidavit of Sondra Johnson, filed March 27, 2015;
11. Plaintiff's Rule 59(e), SCRPC Motion to Reconsider, Alter, or Amend filed August 16, 2015;
12. Transcript of June 1, 2015 hearing: pp. 4, 24, 28, 29, 32, 33
13. Employee Punch Report (produced as Applebee's, 0140, 0141)
14. South Carolina Traffic Collision Report Form (produced as Applebee's 011, 012)
15. South Carolina Highway Patrol Advanced Collision Investigation Report (produced as Applebee's 014- 018)

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

Respectfully submitted,

Michelle P. Kelley

Drew H. Butler
Carmen V. Ganjehsani
Michelle P. Kelley
RICHARDSON, PLOWDEN & ROBINSON, PA
1900 Barnwell Street (29201)
Post Office Drawer 7788
Columbia, South Carolina 29202
(803) 771-4400
ATTORNEYS FOR RESPONDENT

September 27, 2016.

CERTIFICATE OF SERVICE

I, the undersigned, attorney for Respondent, Green Apple, LLC, doing business as Applebee's, do hereby certify that I have this date served the foregoing Designation of Matter dated September 27, 2016, by causing the same to be deposited in a United States Postal Service mailbox, postage prepaid, addressed to counsel of record as indicated below:

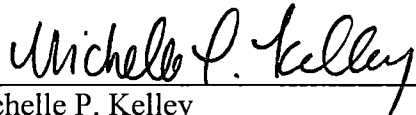
Shane M. Burroughs, Esquire
Lanier & Burroughs, LLC
PO Drawer 2789
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Kathleen C. Barns, Esquire
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ATTORNEYS FOR RESPONDENT

Dated: September 27, 2016.

Reply To: Columbia
mkelley@richardsonplowden.com
Direct Dial: 803-576-3736

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SC Court of Appeals

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

Re: *Lindsey Stewart, Personal Representative of the Estate of Shawn Robert Moore v. Green Apple, LLC, d/b/a Applebee's*
Appellate Case No. 2016-001312
RPR's File No. 7513-009

Dear Ms. Kitchings:

Enclosed for filing please find an original and one (1) copy of the Initial Brief of Respondent and Designation of Matter to be Included in the Record on Appeal. Also enclosed is Proof of Service of the Brief and Designation of Matter.

Please file the documents and return one file-stamped copy with our runner. By copy of this letter, I am this day serving attorneys for Appellant with a copy of the same.

If the Court requires anything further or you have any questions, please do not hesitate to contact me.

Sincerely,



Michelle P. Kelley
SC Bar No. 75198

MPK:sjl
Enclosures

cc: Kathleen C. Barns, Esquire (Via email and U.S. Mail) (with enclosures)
Shane M. Burroughs, Esquire (Via email and U.S. Mail) (with enclosures)
Justin T. Bamberg, Esquire (Via email and U.S. Mail) (with enclosures)