

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
DeAndrea G. Benjamin, Circuit Court Judge

Appellate Case No.: 2016-000788

RECEIVED

DEC 14 2016

SC Court of Appeals

Clarence B. Winfrey, Jr.,Appellant,

v.

American Fire & Casualty Insurance Company
c/o Liberty Mutual Group.....Respondent,

and

State of South Carolina.....Respondent.

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

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

1. Complaint, filed September 27, 2013;
2. Motion for Restraining Order, dated September 27, 2013;
3. Temporary Restraining Order, filed October 01, 2013;
4. Defendants' Motion Pursuant to Rule 12, dated October 03, 2013;

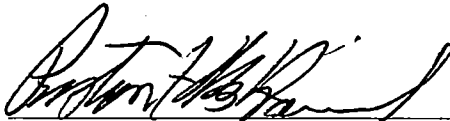
5. Defendants' Motion Pursuant to Rule 65, dated October 03, 2013;
6. Affidavits of Service on Landon Hughey; SC Department of Insurance; and SC Attorney General (by Certified Mail), filed October 08, 2013;
7. Order, filed October 10, 2013;
8. Plaintiff's Motion for New Trial, Reconsideration and/or to Alter or Amend the Judgment pursuant to Rule 59(e), with Memorandum in Support, dated October 18, 2013;
9. Defendants' Motion to Dismiss, dated October 21, 2013;
10. Defendants' Motion for Summary Judgment, dated October 21, 2013;
11. Defendants' Motion for Fees, Costs, and Other Relief, dated October 21, 2013;
12. Defendants' Answer and Counterclaim, dated October 21, 2013;
13. Defendants' Motion to Alter or Amend pursuant to Rule 59(e), dated October 21, 2013;
14. Plaintiff's Motion to Dismiss Counterclaim pursuant to Rule 12(b)(6), dated October 21, 2013;
15. Plaintiff's Reply to Motion for Summary Judgment, dated October 31, 2013;
16. Plaintiff's Reply to Motion for Fees, Costs and Other Relief, dated October 31, 2013;
17. Plaintiff's Reply to Motion to Dismiss pursuant to Rule 12(B)(7), dated October 31, 2013;
18. Plaintiff's Reply to Motion to Alter or Amend pursuant to Rule 59(e), dated October 31, 2013;
19. Order, filed November 07, 2013;
20. Hearing Transcript, dated January 15, 2014;
21. Form 4 Order, filed January 16, 2014;

22. SCWCC Motion for Leave to file Brief, amicus curiae, dated January 21, 2014;
23. SCWCC proposed Brief, amicus curiae, dated January 24, 2014;
24. American Fire's Reply to SCWCC amicus curiae Brief, dated January 31, 2014;
25. Order Denying Defendant's Motion to Dismiss under Rule 12(b)(7) and Motion for Summary Judgment, filed January 31, 2014;
26. Amended Summons and Complaint, dated February 18, 2014;
27. Defendant American Fire's Answer and Counterclaim in Reply to Amended Summons and Complaint, dated March 05, 2014;
28. Defendant State of South Carolina's Answer in Reply to Amended Summons and Complaint, dated April 21, 2014;
29. Defendant State of South Carolina's Motion for Judgment on the Pleadings with Memorandum in Support, dated April 21, 2014;
30. Plaintiff's Motion to Dismiss State of South Carolina with Memorandum in Support, dated August 01, 2014;
31. Defendant American Fire's Memorandum in Support of Answer, Counterclaim, and Motions, dated August 28, 2014;
32. Plaintiff's Memorandum in Reply to Memorandum of American Fire's Answer, Counterclaim, and Motions, dated September 04, 2014;
33. Plaintiff's Memorandum in Reply to State of South Carolina's Memorandum and Motion for Judgment on Pleadings, dated September 04, 2014;
34. Plaintiff's Memorandum of Law in Support of Complaint, dated September 05, 2014;

35. Sur-Reply Memorandum by the State of South Carolina in Response to Reply Memorandum to Defendant State of South Carolina's Memorandum and Motion for Judgment on the Pleadings, dated September 08, 2014;
36. Hearing Transcript, dated September 09, 2014;
37. Defendant American Fire's Proposed Order, dated October 08, 2014;
38. Defendant State of South Carolina's Proposed Order Granting the State of South Carolina's Motion for Judgment on Pleadings, dated October 09, 2014;
39. Plaintiff's letter (via Email) to Law Clerk Imani Newborn requesting extension to file Plaintiff's Proposed Order, dated October 10, 2014;
40. Plaintiff's Proposed Order as to Motions and Declaratory Judgment Action, dated October 24, 2014;
41. Order Instructions via Email, dated December 22, 2015;
42. Plaintiff's Letter to Law Clerk Stacy Williams requesting Hearing on Order Instructions, dated December 23, 2015;
43. Email from T. Parkin Hunter to Judge Benjamin, dated January 08, 2016;
44. Email from Law Clerk Stacy Williams, dated January 13, 2016;
45. Hearing Transcript, dated January 25, 2016;
46. Order, dated February 17, 2016;
47. Plaintiff's Motion for New Trial/Rehearing/ Reconsideration and/or to Alter or Amend Judgment Pursuant to Rule 59, dated February 26, 2016; and
48. Form 4 Order, filed March 17, 2016.

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

Respectfully submitted,



Preston F. McDaniel, Esquire
SC Bar #: 3770
MCDANIEL LAW FIRM
1315 Elmwood Avenue
Columbia, South Carolina 29201
(803) 771-7211
Attorney for Appellant

December 12, 2016

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

DeAndrea G. Benjamin, Circuit Court Judge
Trial Court Case No. 2013-CP-40-05888

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Clarence B. Winfrey, Jr.,Appellant,

v.

American Fire & Casualty Insurance Company
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and

State of South Carolina.....Respondent.

PROOF OF SERVICE

I certify that I have served the **INITIAL BRIEF OF APPELLANT**
and **DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**
by depositing a copy of it in the United States Mail, postage
prepaid, on December 12, 2016 addressed to:

Brett H. Bayne, Esquire
McAngus, Goudelock & Courie
Post Office Box 12519
Columbia, SC 29211

T. Parkin Hunter, Esquire
Senior Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211



Preston F. McDaniel, Esquire
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Attorney for Appellant

December 12, 2016

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1315 ELMWOOD AVENUE
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Proudly representing injured workers
for over 30 years.

Preston F. McDaniel

Matthew Robertson

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December 12, 2016

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SC Court of Appeals

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

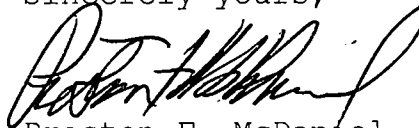
**RE: Clarence Winfrey, Appellant, v. American Fire &
Casualty Insurance Company c/o Liberty Mutual Group,
Respondent, and State of South Carolina, Respondent.
Appellate Case No. 2016-000788**

Dear Ms. Kitchings:

Please find attached the original and one (1) copy of both the **INITIAL BRIEF OF APPELLANT** and the **APPELLANT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** in the above-referenced matter. I would appreciate your returning the clocked-in copies to me in the enclosed self-addressed, stamped envelope.

By copy of this letter I am hereby serving Counsel of Record with a copy of this document.

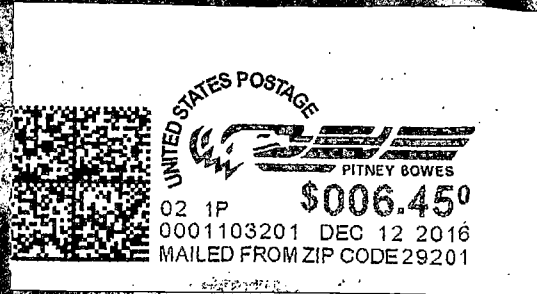
Sincerely yours,



Preston F. McDaniel

PFM/kth
Enclosures

cc: Brett H. Bayne, Esquire
T. Parkin Hunter, Esquire



McDaniel Law Firm
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Columbia, SC 29201

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