

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

The Honorable Kristi Lea Harrington, Circuit Court Judge

Lower Court Case No. 2015-CP-10-06819

Court of Appeals Case No. 2016-001379

Tracy Smith,

Appellant,

v.

Sarah Gainey and SAVE, Inc.,

Respondents.

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

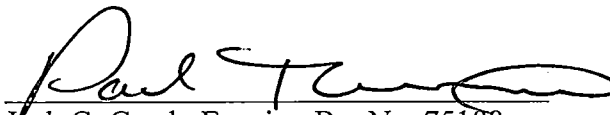
The Respondents, Sarah Gainey and SAVE, Inc., propose the following to be included in the Record on Appeal:

1. Plaintiff's Summons and Complaint (filed December 17, 2015);
2. Summons and Complaint of Tracy Smith v. Jonathon Kessler, Civil Action No. 2015-CP-10-6820, Court of Common Pleas, Charleston County (filed December 17, 2015);
3. Defendants' Answer to Plaintiff's Complaint (filed January 15, 2016);
4. Defendants' Notice of Motion and Motion to Dismiss (filed January 15, 2016);
5. Defendants' Amended Notice of Motion and Motion to Dismiss Plaintiff's Complaint (filed 1/29/2016);
6. Form 4 Order Denying Defendants' Motion to Dismiss (filed May 6, 2016);
7. Order of Dismissal (filed June 13, 2016);
8. Notice of Civil Appeal to Cure in 30 Days (filed June 23, 2016);
9. Brief of Appellant (served November 17, 2016);
10. Initial Brief of Appellant (filed December 19, 2016);

11. Transcript of Record from Defendants' Motion to Dismiss Hearing (stamped October 19, 2016); and
12. Respondents reserve the right to include any pleadings, motions, or other filings or materials presented to the lower court.

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

Respectfully submitted,



Jack G. Gresh, Esquire, Bar No. 75188

Lauren V. Spears, Esquire, Bar No. 100994

Paul Trainor, Esquire, Bar No. 101405

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Telephone: (843) 720-3460

Facsimile: (843) 720-3458

Attorneys for Respondent, Sarah Gainey and SAVE, Inc.

Dated: January 18, 2017

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The Honorable Kristi Lea Harrington, Circuit Court Judge

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Court of Appeals Case No. 2016-001379

Tracy Smith,

Appellant,

v.

Sarah Gainey, Save Inc.,

Respondent.

PROOF OF SERVICE

I certify that I have served the Respondent's Designation of Matter to be Included in the Record on Appeal upon the Appellant via FedEx Overnight, on January 18, 2017, addressed to Tracy Smith, Pro Se Appellant, 1510 Swartz Fairbanks Road, Monroe, LA 71203 (Appellant's last known address contained on Appellant's Initial Brief).

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

{SIGNATURE TO FOLLOW}

Jack G. Gresh, Esquire, Bar No. 75188
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Pro Se Appellant

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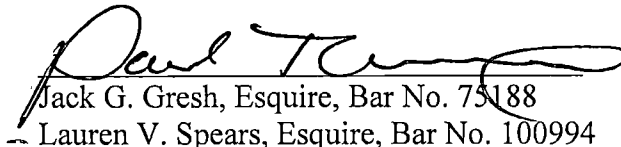
Respondents.

PROOF OF SERVICE

I certify that I have served the Initial Brief of Respondents and Respondents' Designation of Matters to be Included in the Record on Appeal upon Appellant by mailing a copy of the same via FedEx Overnight on January 18, 2017, addressed to Tracy Smith, Pro Se Appellant, to 1510 Swartz Fairbanks Road, Monroe, LA 71203 (Appellant's last known address contained on Appellant's Initial Brief).

{SIGNATURE TO FOLLOW}

Respectfully submitted,



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January 18, 2017

VIA FEDEX OVERNIGHT DELIVERY

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

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JAN 19 2017

SC Court of Appeals

Re: Tracy Smith v. Sarah Gainey and SAVE, Inc.
Court of Appeals Case No.: 2016-001379
Lower Court Case No.: 2015-CP-10-6819

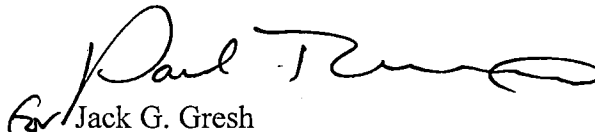
Dear Ms. Kitchings:

Enclosed please find the original and one copy of Respondents' Initial Brief with the Proof of Service in the above-referenced matter.

We have enclosed an additional copy of the Respondents' Initial Brief, and would appreciate your returning the filed copy to our office in the enclosed self-addressed stamped envelope.

Thank you for your assistance in this matter. If you have any questions or concerns, please do not hesitate to contact our office.

Sincerely yours,


for Jack G. Gresh

JGG/PT/tca

cc: Tracy Smith, *pro se* Appellant

ORIGIN ID: CHSA (843) 720-3497
JACK GRESH
JACK GRESH
40 CALHOUN STREET
SUITE 550
CHARLESTON, SC 29401
UNITED STATES US

SHIP DATE: 18 JAN 17
ACTWGT: 1.00 LB
CAD: 103388659/NET3790

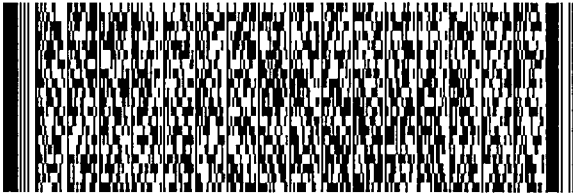
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TO HON. JENNY ABBOTT KITCHINGS
THE SOUTH CAROLINA COURT OF APPEALS
1220 SENATE STREET

COLUMBIA SC 29201

(803) 734-1890 REF: PARSONS, 4792.0012
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PC: DEPT:

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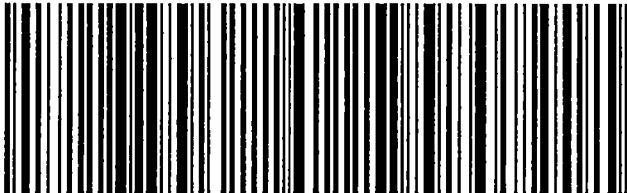
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SC Court of Appeals