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MAR 01 2017

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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Appeal From The Charleston County  
Court of Common Pleas  
Honorable J. C. Nicholson, Circuit Court Judge  
Civil Action No.: 2016-CP-10-1022

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Robin S. Forman, as Personal Representative  
of the Estate of Burton J. Apat,

Respondent,

v.

National Dental Systems, LLC,  
d/b/a DentalSmart,

Appellant.

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

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Paul A. Dominick, Esquire  
S.C. Bar No.: 001718  
Stephen P. Groves, Sr., Esquire  
S.C. Bar No.: 007854  
Alexandra H. Austin, Esquire  
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*Attorneys for the Appellant*

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:

COMES NOW the Appellant, National Dental Systems, LLC, d/b/a DentalSmart, pursuant to Rule 209 of the South Carolina Appellate Court Rules, and hereby designates the parts of the transcripts, orders, pleadings, affidavits, exhibits, and/or other materials which it proposes to include in the Record on Appeal:

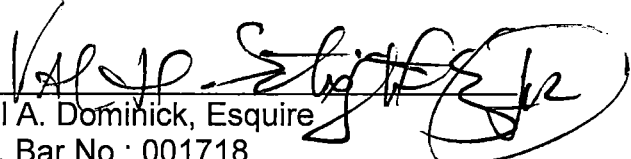
1. Complaint filed 2 March 2016;
2. Answer filed 1 April 2016;
3. Plaintiff's Motion for Summary Judgment and to Conduct Damages Hearing filed 10 June 2016;
4. Affidavit of Victor Apat filed 10 June 2016;
5. Defendant's Brief in Opposition to Plaintiff's Motion for Summary Judgment (including all Exhibits) filed 1 August 2016;
6. Affidavit of Brian Schleifer filed 2 August 2016;
7. Form 4 Order Granting Plaintiff Partial Summary Judgment filed 29 August 2016;
8. Order Granting Plaintiff Partial Summary Judgment filed 29 August 2016;
9. Defendant's Motion for Reconsideration filed 8 September 2016;
10. Order Denying Defendant's Motion for Reconsideration filed 19 September 2016; and
11. Summary Judgment Hearing Transcript (3 August 2016).

I, Paul A. Dominick, hereby certify pursuant to Rule 209(c), SCACR, that this Designation of Matters to be Included in the Record on Appeal submitted by the Appellant,

National Dental Systems, LLC, d/b/a DentalSmart, does not contain any matter and/or items which are not relevant to this appeal.

Respectfully submitted,

*NEXSEN PRUET, LLC*

By:   
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March 1, 2017

*Attorneys for the Appellant*

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**PROOF OF SERVICE**

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*Attorneys for the Appellant*

I, Paul A. Dominick, Esquire, hereby certify that on 1 March 2017, I served one copy each of the Appellant's Initial Brief and the Designation of Matters to be Included in the Record on Appeal submitted by the Appellant, National Dental Systems, LLC, d/b/a DentalSmart, on the following via the United States Mail, postage pre-paid, and addressed as follows:

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Salah H. Hibri, Esquire  
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*Attorneys for the Respondent*

  
Paul A. Dominick, Esquire

Charleston, South Carolina

1 March 2017