

**RECEIVED**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

MAY 23 2017

APPEAL FROM YORK COUNTY  
Court of Common Pleas

**SC Court of Appeals**

D. Garrison Hill, Circuit Court Judge  
S. Jackson Kimball, Special Circuit Court Judge

Appellate Case No. 2016-002118

Lucille H. Ray . . . . . Appellant,

v.

City of Rock Hill, South Carolina,  
a Municipal Corporation, and  
South Carolina Department of Transportation,  
an agency of the State of South Carolina,

Of which City of Rock Hill is . . . . . Respondent.

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

In addition to the items and matter identified in Appellant's Designation of Matter to be Included in the Record on Appeal, Respondent City of Rock Hill ("Respondent") requests that the following additional matter be included in the Record on Appeal.

1. Plaintiff's Responses to Interrogatories dated June 1, 2012.
2. Transcript of Trial (September 12, 2016), pp. 35-36, 39, 47-48.

3. Transcript of Deposition of Michael H. Leonard (August 19, 2014) pp. 15-16, 27, 32-33, 60, 62-64, 73, 121-125, 149, 219-222.
4. Transcript of Deposition of Edward Cummings (August 18, 2014), pp. 22, 27-28, 34, 51, 55-56, 73-75, 89-90.
5. Transcripts of Deposition of Lucille H. Ray (November 6, 2013 and November 7, 2013), pp. 22, 75-76, 104-107 115-118, 132-135, 138-139, 159, 231, 289-290, 292, 296, 298-300, 304, 313.
6. City's Motion for Summary Judgment filed August 5, 2015.
7. Affidavit of James G. Bagley, Jr. dated June 8, 2014.
8. Engineering Evaluation of Michael Leonard dated September 5, 2012.

The undersigned certifies that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,

May 19, 2017

By: 

W. Mark White  
SC Bar No. 7016  
Jeremy D. Melville  
SC Bar No. 77473  
SPENCER & SPENCER, P.A.  
226 East Main Street  
P.O. Box 790  
Rock Hill, SC 29731  
Phone: (803)327-7191  
Fax: (803) 327-3868

ATTORNEYS FOR RESPONDENT  
CITY OF ROCK HILL

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

MAY 23 2017

**SC Court of Appeals**

APPEAL FROM YORK COUNTY  
Court of Common Pleas

D. Garrison Hill, Circuit Court Judge  
S. Jackson Kimball, Special Circuit Court Judge

Appellate Case No. 2016-002118

Lucille H. Ray . . . . . Appellant,

v.

City of Rock Hill, South Carolina,  
a Municipal Corporation, and  
South Carolina Department of Transportation,  
an agency of the State of South Carolina,

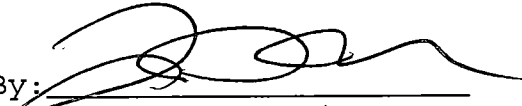
Of which City of Rock Hill is . . . . . Respondent.

**PROOF OF SERVICE**

I certify that I have served the foregoing Initial Brief  
of Respondent and Designation of Matter to be Included in the  
Record on Appeal by depositing copies in the United States  
Mail, postage prepaid, on May 19, 2017, addressed to counsel  
of record for Appellant as follows:

Richard B. Fennell  
James, McElroy & Diehl, P.A.  
600 College Street  
Charlotte, NC 28202

SPENCER & SPENCER, P.A.

By: 

Jeremy D. Melville  
226 East Main Street  
P.O. Box 790  
Rock Hill, SC 29731  
Tel: (803)327-7191  
Fax: (803)327-3868

ATTORNEY FOR RESPONDENT  
CITY OF ROCK HILL

**SPENCER & SPENCER**  
PROFESSIONAL ASSOCIATION

*Attorneys and Counselors at Law*

C.E. SPENCER (1849-1921)  
C.W.F. SPENCER (1876-1956)  
C.W.F. SPENCER, JR. (1911-1985)  
EMIL W. WALD (1934-2011)  
W.C. SPENCER †  
WILLIAM L. "RED" FERGUSON †  
PAUL W. DILLINGHAM  
W. MARK WHITE\*  
W. CHAPLIN SPENCER, JR.\*  
R. ALEXANDER SULLIVAN\*  
R. BRENT THOMPkins\*  
JEREMY D. MELVILLE\*

† Of Counsel  
\* Also admitted in NC

**RECEIVED**  
MAY 23 2017  
SC Court of Appeals

SUITE 200  
126 EAST MAIN STREET  
P.O. BOX 790  
ROCK HILL, S.C. 29731-6790  
Telephone  
803-327-7191  
Telecopier  
803-327-3868  
E-Mail Address  
jeremymelville@spencerfirm.com  
Website  
www.spencerfirm.com

May 19, 2017

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

Re: **Lucille H. Ray v. City of Rock Hill, et al.**  
**Appellate Case No. 2016-002118**

Dear Ms. Kitchings:

Enclosed please find the following in the matter referenced above: Initial Brief of Respondent, Designation of Matter to be Included in Record on Appeal, and Proof of Service. Also enclosed are copies of each of the foregoing. Please file the originals with the records of the Court and return clocked copies to me in the enclosed envelope. Please call if you need anything further.

Sincerely,

SPENCER & SPENCER, P.A.



Jeremy D. Melville

Enclosures

cc: Richard B. Fennell, Esq.

Hasler

PRIORITY MAIL

05/19/2017

US POSTAGE

\$06.65<sup>00</sup>



ZIP 29730  
011D10641778

# First Class Mail

**SPENCER & SPENCER, P.A.**  
ATTORNEYS AT LAW  
P.O. BOX 790  
ROCK HILL, SC 29731-6790

---

---

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

**RECEIVED**

MAY 23 2017

**SC Court of Appeals**

