

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
In the Court of Common Pleas for the Ninth Circuit

J.C. Nicholson, Jr., Circuit Court Judge

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Appellate Case No. 2016-001986

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JUL 03 2017

**SC Court of Appeals**

Shon Turner, as Personal Representative of the Estate of Charles  
Mikell, Deceased.....Appellant

v.

The Medical University of South Carolina.....Respondent

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RESPONDENT THE MEDICAL UNIVERSITY OF SOUTH CAROLINA'S DESIGNATION  
OF MATTER FOR INCLUSION IN THE RECORD ON APPEAL

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***Attorneys for Appellant Shon Turner, as  
Personal Representative of the Estate of  
Charles Mikell, Deceased***

Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Respondent The Medical University of South Carolina ("MUSC") hereby designates the following materials to be included in the Record on Appeal in this matter in connection with its Respondent's Brief.

Unless otherwise expressly stated, each item designated is to include all attachments or exhibits to the original of the referenced item. MUSC intends to designate each and every item from the record that it cited in its Initial Appellant's Brief in this matter. MUSC expressly reserves the right to seek supplementation of the record pursuant to Rules 209 and 212, SCACR. MUSC designates the following matters for inclusion in the Record on Appeal:

1. November 6, 2012 Plaintiff's Complaint
2. January 31, 2013 Amended Complaint
3. January 17, 2013 Affidavit of W. Andrew Kofke (attached to Plaintiff's Amended Complaint)
4. February 22, 2016 Second Amended Complaint
5. March 10, 2016 Answer on Behalf of the Medical University of South Carolina to Plaintiff's Second Amended Complaint
6. April 18, 2016 Defendant's Motion to Exclude Testimony of Dr. W. Andrew Kofke (and all exhibits thereto)
7. May 9, 2016 Plaintiff's Motion for New Trial
8. August 19, 2016 Form 4 Order Denying Plaintiff's Motion for New Trial
9. Trial Transcript (Pages 104-20, 252-55, 375-76, 414-16, 503, 516, 535-36, 542, 569, 592-93, 595, 597-98, 611-12, 635, 647-49, 654-55, 662-63, 734-40, 815-17, 887-88, 896-97, 923-27, 935, 938-39, 942-49, 956-57, 967-68, 986-89, 1029, 1067, 1074, 1112-47, 1199-1231, 1233, 1239, 1242)
10. Defendant's Trial Exhibit 2
11. Defendant's Trial Exhibit 8
12. Plaintiff's Trial Exhibit 2
13. Plaintiff's Trial Exhibit 3
14. Plaintiff's Trial Exhibit 5

15. Plaintiff's Trial Exhibit 8
16. Plaintiff's Trial Exhibit 10
17. Plaintiff's Trial Exhibit 12
18. Plaintiff's Trial Exhibit 30
19. Plaintiff's Trial Exhibit 31

MUSC certifies, pursuant to S.C.A.C.R., Rule 209(c), that the designations set forth above are relevant to the appeal in this matter, and that it has not designated any matter that is irrelevant to the issues before the Court.

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HELMS, LLC

By: 

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*Attorneys for Respondent The Medical  
University of South Carolina*

June 29, 2017

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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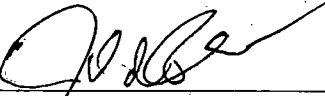
I certify that I have served the Respondent The Medical University of South Carolina's Designation of Matters for Inclusion in the Record on Appeal on the above-referenced Appellant by depositing a copy of it in the United States Mail, postage prepaid, on June 21, 2017, addressed to his attorneys of record:

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*Attorneys for Appellant Shon Turner, as Personal Representative of the Estate of Charles Mikell, Deceased*

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June 29, 2017

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

RE: Shon Turner, as Personal Representative of the Estate of Charles Mikell, deceased,  
vs. Medical University of South Carolina  
Appellate No. 2016-001986  
BWPH File No.: 1.554

Dear Ms. Kitchings,

Enclosed for filing please find the original and one (1) copy of each of the following:

- (1) Respondent The Medical University of South Carolina's Initial Respondent's Brief;
- (2) Respondent The Medical University of South Carolina's Designation of Matter for Inclusion in the Record on Appeal; and,
- (3) Proofs of Service.

We would appreciate if you would file the original documents and return the filed, stamped copies to us in the self-addressed, stamped envelope provided.

By copy of this letter, we are serving copies of the enclosures upon counsel of record.

Sincerely,

M. Dawes Cooke, Jr.  
Alissa D. Fleming  
John W. Fletcher

MDCjr/ADF/JWF/jgc  
Enclosures

cc: Robert B. Ransom, Esquire  
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REPRESENTING CLIENTS IN ALL COURTS IN SOUTH CAROLINA AND NORTH CAROLINA AND IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**BARNWELL  
WHALEY** | **75** YEARS ■  
PATTERSON & HELMS LLC 1938-2013

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1.554

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
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**SC Court of Appeals**