

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

S. Jackson Kimball, Special Circuit Court Judge

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SC Court of Appeals

Appellate Case No. 2017-001367;
Formerly 2011-CP-46-04508.

Elizabeth Hope Rainey, as the
Guardian *ad Litem* to Owen C.,
A minor Appellant,

v.

South Carolina Department of
Social Services Respondent.

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

The Respondent proposes the following be included in the Record on Appeal:

1. Order for Summary Judgment, March 29, 2017, filed March 31, 2017.
2. Order (Rule 59(e) Motion), May 23, 2017, filed May 24, 2017.
3. Complaint, November 30, 2011, filed December 1, 2011.
4. Answer of the South Carolina Department of Social Services, January 9, 2012, filed January 11, 2012.
5. SCDSS's Notice of Motion and Motion for Summary Judgment, with attachment, December 29, 2016, filed January 4, 2017.
6. Memorandum in Support of Motion for Summary Judgment, without Appendices "A" through "L," March 7, 2017, filed March 13, 2017.

Handwritten signature and initials, possibly "R#1 of 3" and "RR"

7. Plaintiff's Memorandum in Opposition to Defendant SCDSS's Motion for Summary Judgment, with Exhibits, March 9, 2017, filed March 10, 2017.
8. Motion to Alter or Amend and for Reconsideration, April 4, 2017, filed April 4, 2017.
9. Transcript of Hearing on Motion for Summary Judgment (March 13, 2017).
10. Transcript of Hearing on Motion to Alter or Amend and for Reconsideration (May 18, 2017).
11. The following Appendices "A" through "L," attached to Memorandum in Support of Motion for Summary Judgment, filed March 13, 2017:
 - A. SCDSS Intake Summary, bates numbered SCDSS 0466 to -0470;
 - B. SCDSS Case Dictation, bates numbered SCDSS-0288 through -0311;
 - C. SCDSS Brochure 3034 (Feb. 03) and signed Acknowledgement;
 - D. SCDSS Safety Plan (12/6/09), bates numbered SCDSSA 0464;
 - E. Excerpts of Deposition of Lola Sutherland (January 10, 2013), pp. 1-4, 25-28;
 - F. Excerpts of Deposition of Krista M. Hinnant (January 10, 2013), pp. 1-4, 29-44, 89-96;
 - G. Excerpts of Deposition of Dirvondra Hill (January 14, 2013), pp. 1-4, 9-12, 33-36;
 - H. SCDSS Case Transfer and/or Case Staffing form 3062 (December 7, 2009);
 - I. SCDSS Case Transfer and/or Case Staffing Form 3062, Legal Staffing (December 7, 2009);
 - J. Dirvondra Hill letter to Michael C./Kayla Lythgoe, scheduling home visit for December 21, 2009 (undated), bates numbered DSS-YS-0252;
 - K. SCDSS Fax Sheets and Criminal History Requests (December 16, 2009), bates numbered SCDSS-0457 through -0461;

Page 2 of 3
[Handwritten signature]

- L. SCDSS Case Transfer and/or Case Staffing form 3062 (January 4, 2010).
12. Excerpts from the following Depositions:
- A. Deposition of Kyla Lythgoe (July 20, 2012), pp. 1, 73-85.
 - B. Deposition of Charlotte Williams (July 20, 2012), pp. 1, 7-8, 108-110.
13. Exhibit 12 attached to Plaintiff's Memorandum in Opposition to Defendant SCDSS's Motion for Summary Judgment, filed March 10, 2017, containing August 4, 2011 and April 6, 2013 Affidavits of George W. Savarese, Ph.D., LCSW [**only if Exhibit 12 is not included in the Record on Appeal as an attachment to Plaintiff's Memorandum in Opposition**].
14. Voluntary Statements of Michael Carduff (January 11, 2010, 9:52 p.m.), Bates Numbered SCDSS-0420 through -0422.

I certify that this Designation of Matter to be Included in the Record on Appeal contains no matter which is irrelevant to this appeal.

DAVIS FRAWLEY, LLC

By: 

Patrick J. Frawley

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ATTORNEYS FOR RESPONDENT SCDSS

Lexington, South Carolina
November 28, 2017



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South Carolina Department of
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PROOF OF SERVICE

I certify that I have served the Respondent South Carolina Department of Social Services' Initial Brief and Designation of Matter for the Record on Appeal in this matter by depositing a copy of it in the United States Mail, postage prepaid on November 28, 2017, addressed to their attorney of record, Whitney B. Harrison of McGowan, Hood & Felder, LLC, 1517 Hampton Street, Columbia SC 29201.

DAVIS FRAWLEY, LLC

BY: 

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Lexington, South Carolina
November 28, 2017

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SC Court of Appeals

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◊ American Board of Trial Advocates
Δ Certified Circuit Court Mediator

November 28, 2017

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

RE: *Elizabeth Hope Rainey, as the appointed Guardian ad Litem to Owen Carduff, a minor,*
v. South Carolina Department of Social Services.
Appellate Case No. 2017-001367

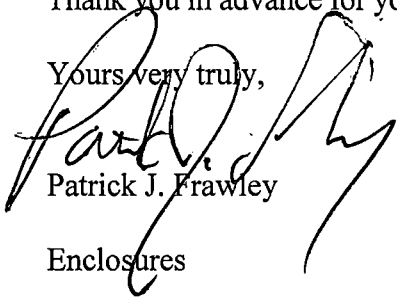
Dear Ms. Kitchings:

Enclosed, please find the original and one copy each of the Initial Brief of Respondent South Carolina Department of Social Services, Respondent's Designation of Matter to be Included in the Record on Appeal, and Proof of Service for the referenced appeal. Please file the originals, and return the copies to me, clocked in, in the enclosed self-addressed, stamped envelope.

By copy of this letter to the attorney for the Appellant, I am serving her with copies of the enclosed documents as well.

Thank you in advance for your help.

Yours very truly,



Patrick J. Frawley

Enclosures

cc: Whitney B. Harrison
McGowen, Hood & Felder, LLC
1517 Hampton Street
Columbia SC 29201



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