

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY COURT OF COMMON PLEAS
Honorable Roger M. Young, Circuit Court Judge

Tracy Smith V. Jonathon Kessler

Circuit Court Civil Action Number: 2015-CP-10-6820

Appellate Case No. 2017-001766

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DEC 28 2017

SC Court of Appeals

Tracy Smith.....Appellant

v.

Jonathon KesslerRespondent

DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

Court Records

- 1.) Order / Mot for Jury Trial, for continuance & compel denied
8/30/17
- 2.) Order in favor of Defendant 8/10/17
- 3.) Roster / Notice of Motions Roster Publications Sent 8/3/2017
- 4.) Plaintiff Closing Argument and Response to Motion for Directed
Verdict 7/20/17
- 5.) Plaintiff Motion in Limine 6/5/2017
- 6.) Plaintiff Motion to Compel 6/2/17
- 7.) Plaintiff Motion for Continuance 5/31/17
- 8.) Plaintiff Motion for Jury Trial 5/31/17

- 9.) Plaintiff Motion for Leave to Amend 4/14/17
- 10.) Plaintiff Motion to Compel Truthful Response to Requests To Admit 1/6/17
- 11.) Plaintiff Motion Requesting Order Protecting Medical Information by 12/22/2016
- 12.) Defendant Memo in Support of Motion for Summary Judgement (and attached documents) 11/2/2016
- 13.) Plaintiff Reply in Response to Motion for Summary Judgement 10/31/2016
- 14.) Plaintiff Request for Continuance 9/27/2016
- 15.) Plaintiff Motion To Compel 5/27/2016 case #2015CP1006819 Smith V. SAVE,Inc /Sara Gainey (Kessler's Superior)
- 16.) Defendant's Answer to Complaint 2/8/2016
- 17.) Summons & Complaint 12/17/2015

Plaintiff's Exhibits

- 18.) 1-Kessler work product Marked 81 Admitted 62
- 19.) 2-PLACEMENT REPORT Marked 81 Admitted 63
- 20.) 3-SAVE pamphlet Marked 81 Admitted 96
- 21.) 4-SAVE contract Marked 127 Admitted 127
- 22.) 5-Showa Denko document Marked 132
- 23.) 6A-B-release Marked 100 Admitted 125
- 24.) 7-email Marked 135 Admitted 135
- 25.) 8-Smith certs Marked 138 Admitted 138
- 26.) 9-email Marked 241 Admitted 242
- 27.) 10-Showa Denko doc Marked 142 Admitted 142
- 28.) 11-emails Marked 151 Admitted 151
- 29.) 12-SOP Marked 228 Admitted 192

DEFENDANT'S Exhibits


- 30.) 1-employment ap Marked 151 Admitted 153
- 31.) 2-letter Marked 153 Admitted 155
- 32.) 4-disciplinary procedure Marked 160 Admitted 162
- 33.) 5-stipulation Marked 164 Admitted 165

- 34.) 6-file Marked 178 Admitted 178
- 35.) 9-Wing affidavit Marked 241 Admitted 242
- 36.) 10-deposition Marked 243 Admitted 243
- 37.) 11-deposition Marked 243 Admitted 243
- 38.) 12-deposition Marked 243 Admitted 243
- 39.) 13-CEAP SOP Marked 244 Admitted 246
- 40.) 14-bill of rights Marked 245 Admitted 247
- 41.) 15-code of ethics Marked 246 Admitted 247
- 42.) 16-code of conduct Marked 250
- 43.) 17-Wing affidavit Marked 316 Admitted 384
- 44.) 18-PDD Marked 316 Admitted 384

Trial Transcript – Produced by Ruth Weese In its entirety including discussion of Motion to Compel

- 45.) OPENING STATEMENT BY MR. SMITH 32
- 46.) OPENING STATEMENT BY MR. WALLINGER 36
- 47.) TRACY SMITH Direct 39
- 48.) SARA GAINEY BY MR. WALLINGER 172
- 49.) SARA GAINEY BY MR. SMITH 179
- 50.) JOHN WING BY MR. WALLINGER 316
- 51.) JOHN WING BY MR. SMITH 334
- 52.) JONATHON KESSLER BY MR. SMITH 386
- 53.) JONATHON KESSLER BY MR. WALLINGER 520
- 54.) JONATHON KESSLER REDIRECT BY MR. SMITH 551

Respectfully Submitted,


Tracy Smith
318.233.8572

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Appellate Case No. 2017-001766

Tracy Smith,Appellant


v.

Jonathon KesslerRespondent

Represented by Scott Wallinger
1330 Lady Street, Sixth Floor
Columbia, SC 29201

Proof of Service

I certify that I have served Appellant's proposed Designation of Matter and Appellant's Initial Brief limited to 50 pages on Jonathon Kessler by depositing a copy of it in the US Mail, postage prepaid on December 26, 2017 addressed to his attorney of record Scott Wallinger, 1330 Lady Street, Sixth Floor Columbia, SC 29201.


Tracy Smith, Appellant
c/o 4351 Park Island Road
Hollywood, SC 29449

Tracy Smith
c/o 4351 Park Island Road
Hollywood, SC 29449

December 25, 2017

V. Claire Allen
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201


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Re: Tracy Smith v. Jonathon Kessler Appellate Case No. 2017-001766

Dear Ms. Allen,

Please find the enclosed Initial Brief of Appellant limited to 50 pages in length and Appellant's proposed Designation of Matter.

Respectfully,


Tracy Smith

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SC Court of Appeals

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