

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APR 24 2018

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

SC Court of Appeals

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2017-002522
Case No. 2010-CP-5743

Gregory J. Feldman, MD, Joseph A. Boscia, III, MD, and
Upstate Lung & Critical Care Specialists, PC,

Appellants,

v.

Ray E. "Chuck" Thompson, and Charles M. Fogarty, MD,

Respondents.

APPELLANTS' DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

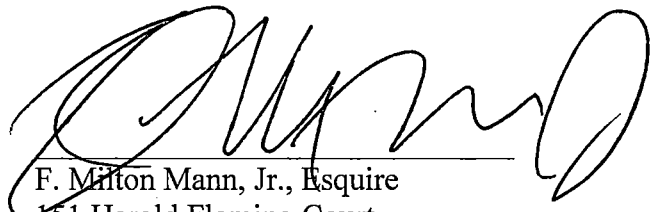
Appellants propose the following be included in the Record on Appeal:

1. Appellants' Second Amended Complaint dated October 11, 2011
2. S.C. Court of Appeals Unpublished Opinion No. 2014-UP-273, Heard June 4, 2014 – Filed June 30, 2014
3. Remittitur from the Court of Appeals dated May 19, 2015
4. October 17th, 18th and 21st of 2016 Deposition of Gregory Feldman, M.D. with Exhibits 1-64 & 71-77
5. October 19, 2016 Deposition of Joseph A. Boscia, M.D. with Exhibits 65-69
6. October 20, 2016 Deposition of Devendra Shantha, M. D. with Exhibit 70

7. February 2, 2017 Deposition of William U. Gunn with Exhibits 78-90
8. March 28, 2017 Deposition of H. Spencer King, III with Exhibits 91-102
9. April 26, 2017 Deposition of Kenneth C. Anthony, Jr with Exhibits 103-113
10. May 2, 2017 Deposition of L. Randolph Waid, Ph.D. with Exhibits 114-117
11. May 5, 2017 Deposition of Wilson P. Smith, Jr., M.D. with Exhibits 118-121
12. Defendants' Amended Motion for Summary Judgement with Exhibit A dated
March 30, 2017
13. Defendants' Brief in Support of Motion for Summary Judgement with Exhibits 1 -
28 dated June 15, 2017
14. Affidavit of William F. Alleyne, II, M.D., F.C.C.P. dated June 16, 2017
15. Affidavit of Gregory J. Feldman, M.D. dated June 16, 2017
16. Affidavit of Joseph A. Boscia, III dated June 16, 2017
17. Social Security File of William Mark Casey (THOMPSON 059495 -
THOMPSON 060241) filed June 19, 2017
18. Atena File of William Mark Casey (THOMPSON 026304 - THOMPSON
026599) filed June 19, 2017
19. Memorandum in Opposition to Defendants' Amended Motion for Summary
Judgement dated June 20, 2017
20. Transcript of Record dated June 20, 2017
21. Stipulation Relating to Motion for Summary Judgement with Exhibits dated June
22, 2017
22. Stipulation of Dismissal with Prejudice as to William Mark Casey dated July 18,
2017

23. Order Granting Defendants' Motion for Summary Judgment dated July 20, 2017
24. Plaintiff's Motion for Reconsideration dated July 31, 2017
25. Defendants' Brief Opposing Plaintiffs' Motion for Reconsideration dated August 10, 2017
26. Plaintiffs' Reply to Defendants' Brief Opposing Plaintiffs' Motion for Reconsideration dated August 18, 2017
27. October 17, 2017 Hearing Transcript
28. Order Denying Plaintiffs' Motion for Reconsideration dated November 14, 2017
29. Notice of Appeal with Exhibits dated December 8, 2017

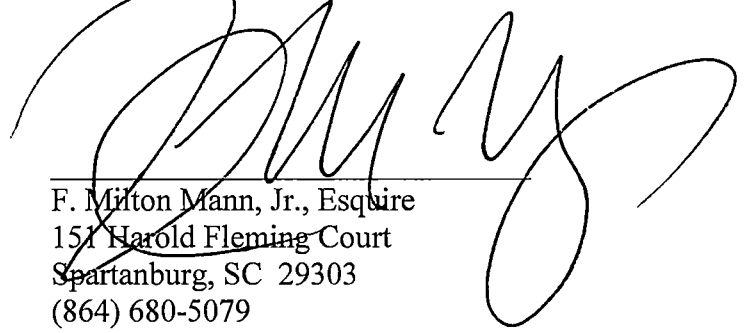
April 20, 2018



F. Milton Mann, Jr., Esquire
151 Harold Fleming Court
Spartanburg, SC 29303
(864) 680-5079
Attorney for Appellants

I certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'F. Mann, Jr.', is written over a horizontal line.

F. Milton Mann, Jr., Esquire
151 Harold Fleming Court
Spartanburg, SC 29303
(864) 680-5079
Attorney for Appellants

April 20, 2018

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2017-002522
Case No. 2010-CP-5743

Gregory J. Feldman, MD, Joseph A. Boscia, III, MD, and
Upstate Lung & Critical Care Specialists, PC,

Appellants,

v.

Ray E. "Chuck" Thompson, and Charles M. Fogarty, MD,

Respondents.

PROOF OF SERVICE

I certify that I have served the Initial Brief of Appellants and the Designation of Matter to be Included in the Record on Appeal on counsels of record by US Mail postage pre-paid as indicated below, on April 20, 2018.

Matthew H. Henrikson, Esq.
Henrikson Law Firm
1164 Woodruff Rd.
Greenville, SC 29607

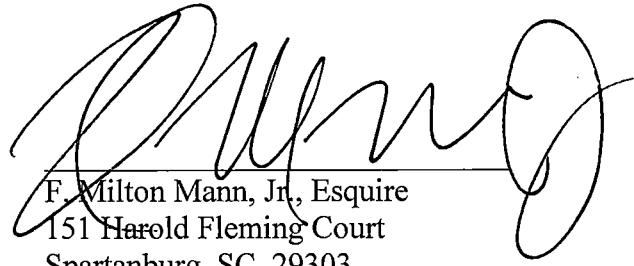
Ellen Cheek, Esq.
Wilkes Law Firm
127 Dunbar St., Suite 200
Spartanburg, SC 29306

RECEIVED

APR 24 2018

SC Court of Appeals

April 20, 2018

A handwritten signature in black ink, appearing to read 'F. Mann, Jr.', written over a horizontal line.

F. Milton Mann, Jr., Esquire
151 Harold Fleming Court
Spartanburg, SC 29303
(864) 680-5079
Attorney for Appellants

F. MILTON MANN, JR.

ATTORNEY AT LAW
LICENSED IN SC, GA & FL

April 20, 2018

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

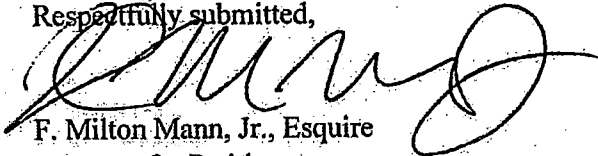
BY U.S. MAIL

Re: Gregory J. Feldman, MD, Joseph A. Boscia, III and Upstate Lung & Critical
Care Specialists, PC, Appellants v. Ray E. "Chuck" Thompson, and Charles M.
Fogarty, MD, Respondents - Appellant Case No. 2017-002522

Dear Ms. Kitchings:

Please find enclosed, the original and one copy of the Initial Brief Appellants and the
Designation of Matter in the above case, along with the Proof of Service on other counsels of
record dated April 20, 2018.

Respectfully submitted,



F. Milton Mann, Jr., Esquire
Attorney for Petitioner
SC Bar #68250

RECEIVED
APR 24 2018
SC Court of Appeals

CC: Ellen S. Cheek, Esquire
Matthew H. Henrikson, Esquire

FROM:

F. Milton Mann, Jr., Esq.
151 Harold Fleming Court
Spartanburg SC 29303

0 LBS 1 OZ
FROM 29607
ZONE 2
NO SURCHARGE
COMMERCIAL BASE PRICING
062S0009761896
04/20/2018



stamps.com



PRIORITY MAIL 2-DAY™
US POSTAGE & FEES PAID

0024

B012

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia SC 29211-1629



USPS TRACKING #



9405 5118 9956 0951 9849 16

RECEIVED
APR 24 18
SC Court of Appeals