

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
R. Keith Kelly, Circuit Court Judge

RECEIVED
JUN 20 2018
SC Court of Appeals

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, Respondents.

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

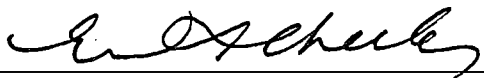
Respondents hereby identify the following for inclusion in the Record on Appeal:


1. Plaintiffs' Complaint
2. Defendant William Mark Casey's Motion to Dismiss
3. Motion to Dismiss of Defendant Ray E. "Chuck" Thompson
4. Defendant Fogarty's Motion to Dismiss Plaintiffs' Complaint
5. Plaintiffs' Amended Complaint
6. Defendant William Mark Casey's Motion to Dismiss Amended Complaint
7. Defendant Thompson's Motion to Dismiss Amended Complaint
8. Defendant Fogarty's Motion to Dismiss Plaintiff's Amended Complaint
9. Plaintiffs' Second Amended Complaint

10. Defendant Fogarty's Motion to Dismiss Second Amended Complaint
11. Transcript from January 18, 2012, hearing on Defendants' Motion to Dismiss
12. Order Granting Defendants' Motions to Dismiss
13. Notice of Appeal of Order Granting Defendants' Motion to Dismiss
14. S.C. Court of Appeals Unpublished Opinion No. 2014-UP-273, Heard June 4, 2014 – Filed June 30, 2014
15. Remittitur dated May 19, 2015
16. Consent Order entered December 11, 2015
17. Deposition of Gregory Feldman, dated October 17, 18, and 21, 2016, with exhibits
18. Deposition of Joseph Boscia, dated October 19, 2016, with exhibits
19. Defendants' Motion for Summary Judgment, with exhibit
20. Deposition of Spencer King, dated March 28, 2017, with exhibits
21. Defendants' Amended Motion for Summary Judgment, with exhibit
22. Discovery Order entered April 14, 2017
23. Deposition of Wilson Smith, dated May 5, 2017, with exhibits
24. Defendants' Brief in Support of Motion for Summary Judgment, with exhibits
25. Plaintiffs' Memorandum in Opposition to Defendants' Amended Motion for Summary Judgment
26. Affidavit of Gregory J. Feldman, M.D., dated June 16, 2017
27. Affidavit of Joseph A. Boscia, III, M.D., dated June 16, 2017
28. Gunn Emails 1720, 1871-1872, 2311
29. JUA Docs. 389-391
30. King Docs. 52-55, 1571, 1164, 2169

- 31. Mann 84, 98, 1071-1072, 1167-1168, 1183, 5153, 7982, 11190, 11539, 11692, 15851, 18091, 18627, 19042, 20038, 20224, 22478-22479, 22484, 23463, 23467-23468, 24620-24623
- 32. Thompson Docs. 3170, 32118-32119, 32163-32165, 32173-32189, 32157-32232, 36483, 59623
- 33. Transcript from June 20, 2017, hearing on Defendants' Motion for Summary Judgment.
- 34. Stipulation Relating to Motion for Summary Judgment with Exhibits, dated June 22, 2017
- 35. Stipulation of Dismissal with Prejudice as to Casey
- 36. Order Granting Defendants' Motion for Summary Judgment
- 37. Plaintiffs' Motion for Reconsideration
- 38. Defendants' Brief Opposing Plaintiffs' Motion for Reconsideration
- 39. Plaintiffs' Reply to Defendants' Brief Opposing Plaintiffs' Motion for Reconsideration
- 40. Transcript from October 17, 2017, hearing on Plaintiffs' Motion for Reconsideration
- 41. Notice of Appeal, with exhibits, dated December 8, 2017

June 19, 2018


By: 
 Michael B.T. Wilkes (S.C. Bar #6107)
 Ellen S. Cheek (S.C. Bar #69642)
 WILKES LAW FIRM, P.A.
 127 Dunbar Street, Suite 200
 Spartanburg, SC 29306
 (864) 591-1113
Counsel for Charles M. Fogarty, MD


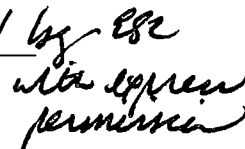
By:  / *by esc*
 Matthew H. Henrikson (S.C. Bar #7897) *with express permission*
 Henrikson Law Firm
 1164 Woodruff Road
 Greenville, SC 29607
Counsel for Ray E. ("Chuck") Thompson

Certificate of Counsel

The undersigned hereby certifies that Respondents' Designation of Matter to be Included in the Record on Appeal contains no matter which is irrelevant to the appeal.

June 19, 2018

By: 
Michael B.T. Wilkes (S.C. Bar #6107)
Ellen S. Cheek (S.C. Bar #69642)
WILKES LAW FIRM, P.A.
127 Dunbar Street, Suite 200
Spartanburg, SC 29306
(864) 591-1113
Counsel for Respondent Charles M. Fogarty, MD

By:  / by 
Matthew H. Henrikson (S.C. Bar #7897) *with express permission*
Henrikson Law Firm
1164 Woodruff Road
Greenville, SC 29607
Counsel for Respondent Ray E. Thompson

RECEIVED
JUN 20 2018
SC Court of Appeals