

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

J.C. Nicholson Jr., Circuit Court Judge  
Deadra L. Jefferson, Circuit Court Judge

Appellate No. 2018-0004640

**RECEIVED**  
JUL 02 2018  
SC Court of Appeals

Assistive Technology Medical  
Equipment Services, LLC,

Respondent,

v.

Phillip DeClemente,

Appellant.

**AMENDED DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL**

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

1. Burkett and Burkett Confidential Abacare Valuation Report, dated April 30, 2008;
2. Abacare Home Medical Stock Purchase Agreement, dated November 7, 2008;
3. ATMES Promissory Note, dated June 30, 2009;
4. ATMES' Full & Final Release of DeClemente, dated July 10, 2009;
5. DeClemente's Full & Final Release of ATMES, dated July 10, 2009;
6. Bill of Sale & Transfer of Ownership by DeClemente, dated July 10, 2009;
7. Reliable SCDOR Audit, dated March 24, 2010;
8. ATMES Self-Audit of Abacare, dated January 21, 2011;
9. False Affidavit by ATMES' attorney to DeClemente, dated October 2011;
10. Complaint 2011-CP-10-8011, filed October 31, 2011;
11. Email from Matthew Keller, dated November 18, 2011;
12. Affidavit of Service, dated January 13, 2012;
13. MUSC Medical Records, dated February 2, 2012;
14. MUSC Medical Records, dated February 22, 2012;
15. MUSC Medical Records, dated March 6, 2012;
16. Affidavit of Default, filed March 30, 2012;
17. Attorney Marshall's Letter of Representation, filed May 14, 2012;

18. Mr. Marshall's Letter to Mr. Murrell Smith, dated June 8, 2012;
19. Mr. Smith's Letter to Mr. Marshall, dated June 12, 2012;
20. Motion for Enlargement of Time, filed August 10, 2012;
21. Answer, Counterclaim, & Crossclaims, filed August 10, 2012;
22. Amended Answer, Counterclaim & Crossclaims, filed August 22, 2012;
23. Smith Deposition Transcript, dated October 31, 2012 pp. 24, 41-42, 84-87;
24. Bradham Deposition Transcript, dated October 18, 2013 pp. 6, 27, 40-43, 46-49, 54, 72, 86-87, 100, 106, 117-119, 136, 139, 143, 152-153, 168-169, 172-174, 180-183, 194-195, 197;
25. Letter Requesting Denial of Motion for Continuance, dated November 4, 2013;
26. Memorandum in Support of Co-Defendant, Counterclaimant, & Cross-Claimant DeClemente's Motion for Enlargement of Time, filed November 5, 2013;
27. Default Hearing Transcript, Judge Nicholson, dated December 16, 2013;
28. Affidavit of Phillip DeClemente, filed December 30, 2013;
29. Default Order, Judge Nicholson, filed April 30, 2014;
30. Motion to Alter or Amend Judgment, filed May 5, 2014;
31. Notice of Appeal, filed June 3, 2014;
32. Remittitur; filed November 17, 2014;
33. Damages Hearing Transcript, Judge Jefferson, dated September 19, 2016;
34. Order Allowing Travel, filed October 27, 2016;
35. Damages Hearing Transcript, Judge Jefferson, dated November 1, 2016 pp. 12-50, 52-104;
36. Subpoena to Art Bradham, November 1, 2016;
37. Motion to Quash Rule 45 Subpoena, filed December 28, 2016;
38. Motion to Compel Subpoena Compliance, December 29, 2016;
39. Damages Hearing Transcript, Judge Jefferson, dated January 5, 2017 pp. 6-8, 22;
40. Motion to Consider Evidence of Damages, Adopt Proposed Order, Reconvene Damages Hearing, filed January 24, 2017;
41. Form 4 Order, Judge Jefferson, filed July 27, 2017;
42. Burkett Affidavit, dated August 23, 2017;
43. Burkett Deposition Transcript, dated September 14, 2017 pp. 17-18, 21-28;
44. Damages Order, Judge Jefferson, filed December 21, 2017;
45. Motion to Amend Judgment and Be Relieved from Judgment, filed January 8, 2018;
46. Order Denying Defendant's Motion to Amend Judgment, Judge Jefferson, filed January 26, 2018;
47. DeClemente Notice of Appeal and Proof of Service, filed March 2, 2018.

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

/Signature page attached

June 27, 2018

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cameron Marshall", written over a horizontal line.

Cameron Marshall,  
7 Gamecock Avenue, Ste. 707  
Charleston, South Carolina 29407  
S.C. Bar #64192  
Telephone: (843) 795-2298  
Fax: (843) 795-5081  
cameron@attorneymarshall.com

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

J.C. Nicholson Jr., Circuit Court Judge  
Deadra L. Jefferson, Circuit Court Judge

**RECEIVED**  
JUL 02 2018  
SC Court of Appeals

Case No. 2018-000460

Assistive Technology Medical  
Equipment Services, LLC, ..... Respondent,

v.

Hood & Selander, CPAS, LLC; Donna Cash, as  
Representative of the Estate of Dorothy Connelly;  
W. Applegate, III, as Personal Representative of the  
Estate of James B. Connelly; Kimberly Cuce  
and Phillip DeClemente ..... Defendants,

Of whom, Phillip DeClemente is the ..... Appellant.

**PROOF OF SERVICE**

The undersigned hereby certifies that on the date indicated below he served the counsel of record with a copy of the MOTION TO AMEND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL, AMENDED DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL and the AMENDED INITIAL BRIEF OF APPELLANT by email and by mailing copies of the same by United States Mail, postage prepaid, on June 28, 2018, addressed to James E. Smith, 1422 Laurel Street, Columbia, South Carolina, 29201 and Blake Hewitt, P.O Box 7965, Columbia, South Carolina, 29202.

June 28, 2018  
Charleston, SC



Cameron Marshall  
Attorney  
CAMERON MARSHALL LAW FIRM, LLC