

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HAMPTON COUNTY
Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge

Case No.: 2017-002520

RECEIVED
AUG 31 2018
SC Court of Appeals

Maurice Dawkins Appellant,

v.

James A. Sell Respondent,

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

Appellant designates the following items for inclusion in the Record on Appeal, in addition to the materials designated by the Respondent.

- 1) Order Denying Plaintiff's Motions for New Trial and Judgment Notwithstanding the Verdict filed November 20, 2017;
- 2) Verdict Form filed October 12, 2017;
- 3) Plaintiff's Motion for Judgment Not Withstanding the Verdict, Motion for New Trial filed October 23, 2017;
- 4) Defendant's Memorandum in Opposition to Plaintiff's Motion for New Trial and JNOV filed November 6, 2017;
- 5) Second Amended Summons and Complaint filed June 11, 2015;
- 6) Amended Summons and Complaint filed July 1, 2011;
- 7) Sell's Answer to Second Amended Complaint and Cross-claim filed August 6, 2015;

- 8) Sell's Answer to Amended Complaint and Crossclaim filed August 3, 2011;
- 9) Partial Transcript of Record #1 testimony of the following witnesses:
 - a) Pretrial Motions – pp. 11-35; 76-82;
 - b) Opening Statements – pp. 82-114;
 - a) Derrick Rush – pp. 115; 122-126; 130-131;
 - b) Joshua Sparkman – pp. 143-151; 153-155;
 - c) Kristen Starnes Sparkman – pp. 158-164; 167-173;
 - d) Dr. Leland Stoddard – pp. 175-193;
 - e) Albert Moses – pp. 218-224; 228;
 - f) Maurice Dawkins – pp. 230-269; 277-280;
 - g) Vinci Layton – pp. 325-329;
 - h) Dwight Hylton – pp. 331-335;
 - i) Cameron Jordan – pp. 337-340;
 - j) Ray Burns – pp. 342-348;
 - k) James Sell – pp. 353-376; 389-394;
 - l) Objections to Deposition Designations – pp. 396-404;
 - m) John Pinckney – pp. 474-504; 511-515
- 10) Partial Transcript of Record #2 testimony:
 - a) Directed Verdict Motions – pp. 3-19;
 - b) Closing Arguments – pp. 20-78;
 - c) Charge of Court & Verdict – pp. 79-109
- 11) Trial Exhibits as follows:

- a) Plaintiff's Trial Exhibit Nos.: 1.1, 1.3, 1.11, 1.18, 1.23, 1.24, 2.1, 2.2, 2.4, 2.7, 2.14, 2.18, 2.19, 2.28, 2.32, 4.1, 4.2, 4.3, 5.1-5.22, and 7 (Summary Only)
- 12) Plaintiff's Pre-Trial Brief dated October 4, 2017;
- 13) Plaintiff's Motion in Limine dated October 4, 2017;
- 14) Plaintiff's Objections and Counter Designations for Dennis Owens dated October 10, 2017;
- 15) Dawkins' Supplemental Answers to Defendant's First Set of Interrogatories dated February 16, 2016;
- 16) Notice of Appeal filed December 8, 2017 with the SC Court of Appeals;
- 17) Notice of Appeal, filed December 7, 2017 with the SC Court of Common Pleas;
- 18) Letter of December 6, 2017 from Barnes to Court Reporter Sigwald requesting complete transcript;
- 19) Letter of December 6, 2017 from Barnes to Court Reporter Weese requesting complete transcript;
- 20) Letter of December 6, 2017 from Barnes to Clerk, SC Court of Appeals filing Notice of Appeal;
- 21) Letter of June 4, 2018 from Barnes to Clerk, SC Court of Appeals – advising transcripts received;

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

Respectfully submitted,

PETERS, MURDAUGH, PARKER, ELTZROTH
& DETRICK, P.A.

August 29, 2018
Hampton, South Carolina

BY: 

William F. Barnes, III
Richard Alexander Murdaugh
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ATTORNEYS FOR APPELLANT

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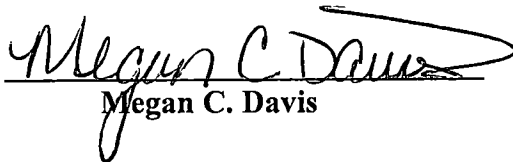
v.

James A. Sell Respondent,

CERTIFICATE OF SERVICE

This is to certify that I, **Megan C. Davis**, with the Law Firm of Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A., Counsel for the Appellant, have this date mailed via the U.S. Postal Service with first class postage prepaid, a true and correct copy of the within **Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal** to:

E. Mitchell Griffith, Esquire
Griffith Sharp & Liipfert, LLC
P.O. Drawer 570
Beaufort, SC 29901
Attorney for Respondent


Megan C. Davis

August 29th, 2018
Hampton, South Carolina