

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Alison Renee Lee, Circuit Court Judge

RECEIVED
SEP 17 2018
SC Court of Appeals

Richland County Case No. 2016-CP-40-04463
Court of Appeals Case No. 2018-000924

Jean Watkins, as Personal Representative
of the Estate of Mildred Watkins,

Respondent,

v.

Sterling Healthcare, Inc., Country Wood
Nursing Center, LLC, and Guardian
Resources, LLC,

Appellants.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

The Respondent submits the following documents to be included in the Record on Appeal:

1. 40(j) Consent Order
2. Order Restoring Case to Docket
3. Order Granting Plaintiff's Motion to Compel Against All Defendants
4. Order Striking Answers of Defendants

5. Motion to Compel
6. Scheduling Order
7. Transcript of Motion to Compel Hearing (Dickson Transcript), pp. 6-12, 30-31
8. Transcript of Motion for Rule to Show Cause and Sanctions hearing (Lee Transcript), pp. 4-33.
9. Memorandum in Support of Motion to Compel with Exhibits 1-22

- Exhibit 1: Sterling Articles of Incorporation and Consulting Agreement
- Exhibit 2: Guardian Articles of Incorporation and Consulting Agreement
- Exhibit 3: Insurance Certificate
- Exhibit 4: Plaintiff's Counsel's Letter to Defendants' Counsel 3/25/2015
- Exhibit 5: Defendants' Counsel's Letter to Plaintiff's Counsel 5/18/2015
- Exhibit 6: Defendants' Counsel's Letter to Plaintiff's Counsel 9/25/2015
- Exhibit 7: Plaintiff's Counsel's Letter to Defendants' Counsel 11/10/2015
- Exhibit 8: Plaintiff's Counsel's Letter to Defendants' Counsel 11/13/2015
- Exhibit 9: Affidavit of Robert Hagan
- Exhibit 10: Healthcare Services Group, Sterling and Guardian's Physical Address
- Exhibit 11: South Carolina Secretary of State Incorporation Documents Re: Sterling
- Exhibit 12: Sterling Healthcare's Website
- Exhibit 13: Sterling's Letter to Plaintiff's Counsel 2/25/2014
- Exhibit 14: Privilege Log and Redacted Employee Handbook
- Exhibit 15: Government Documentation
- Exhibit 16: Employment Applications
- Exhibit 17: Email Addresses
- Exhibit 18: Job Descriptions
- Exhibit 19: Employee Benefits
- Exhibit 10: Time-Off Requests
- Exhibit 11: Employee Termination
- Exhibit 12: Payroll

10. Motion for Rule to Show Cause and Sanctions with Exhibits A – H

- Exhibit A: Dickson Order
- Exhibit B: Defendants' Supplemental Responses to Plaintiff's Interrogatories and Requests for Production Pursuant to the Order of Judge Dickson
- Exhibit C: Affidavit of Jennifer Randolph Purdy
- Exhibit D: Email from Judge Dickson's Law Clerk
- Exhibit E: Attorney Purdy's letter to Attorney Parker dated 12/29/2016
- Exhibit F: Attorney Rowlen's email to Attorney Purdy dated 1/3/17

- Exhibit G: Attorney Parker's email to Attorney Purdy dated 1/5/17
Exhibit H: Attorney Purdy's email to Attorney Parker dated 1/5/17

11. Plaintiff's Memorandum In Support of Motion for Rule to Show Cause and Sanctions with Exhibits 1-29

- Exhibit 1: Order of Judge Dickson (Not re-copied. See #3.)
Exhibit 2: Affidavit of Jennifer Randolph Purdy (Not re-copied. See Exhibit C to Item #10.)
Exhibit 3: Plaintiff's Spreadsheet / Chart of Defendant Country Wood's Responses to Interrogatories
Exhibit 4: Plaintiff's Spreadsheet / Chart of Defendant Country Wood's Responses to Requests for Production
Exhibit 5: Plaintiff's Spreadsheet / Chart of Defendant Sterling's Responses to Interrogatories
Exhibit 6: Plaintiff's Spreadsheet / Chart of Defendant Sterling's Responses to Requests for Production
Exhibit 7: Plaintiff's Spreadsheet / Chart of Defendant Guardian's Responses to Interrogatories
Exhibit 8: Plaintiff's Spreadsheet / Chart of Defendant Guardian's Responses to Requests for Production
Exhibit 9: Certificate of Liability Coverage (Not re-copied. See Exhibit 3 to Item #9 above.)
Exhibit 10: Order of the late Honorable Tanya Gee Granting Sanctions and Order Denying Reconsideration of Sanctions Award in *Greenburg v. Five Star Quality Care et al.* (20163-CP-40-03071) *Exhibit listed for completion of reference only. Document not included as part of the Record on Appeal.*
Exhibit 11: South Carolina Rules of Civil Procedure Rule 37. *Exhibit listed for completion of reference only. Document not included as part of the Record on Appeal.*
Exhibits 12-29: Copies of cited cases. *Exhibit listed for completion of reference only. Documents not included as part of the Record on Appeal.*

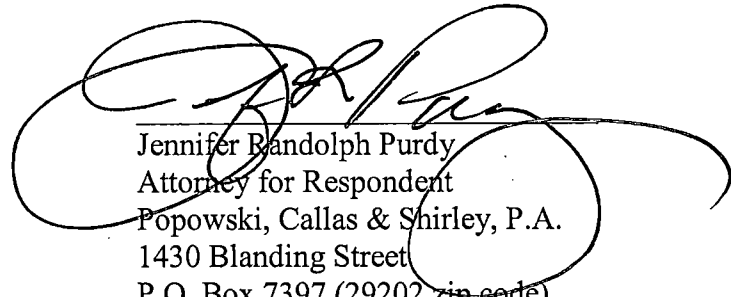
12. Notice of Substitution of Counsel

13. Pro Hac Vice of Brantley Rowlen

14. Email of Law Clerk, Emily Burgis

15. Richland County Roster Notices

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



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September 12, 2018

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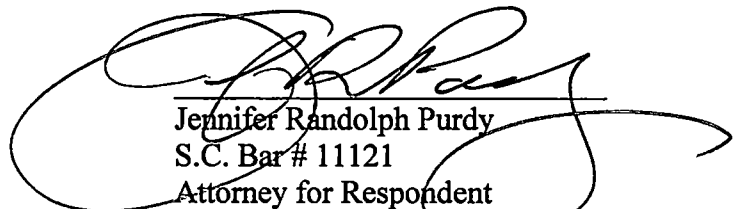
Appellants.

PROOF OF SERVICE

I hereby certify that I have this day served a copy of the foregoing INITIAL BRIEF OF RESPONDENT and DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL, with copies of all documents to be included, upon all counsel of record by mailing the same via the United States Postal Service with sufficient postage in a properly addressed envelope to:

**Leah Parker, Esquire
Brantley C. Rowlen, Esquire
Lewis, Brisbois, Bisgaard & Smith, LLP
1180 Peachtree Street, NE, Suite 2900
Atlanta, GA 30309-3521**

This 17th day of September, 2018.



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