

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

JAN 28 2019

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

**SC Court of Appeals**

J. Cordell Maddox, Circuit Court Judge

Case No. 2013-CP-23-05424

Shadia Hewitt,.....Respondent,

v.

The Shaw Corporation d/b/a Shaw's Pharmacy and  
Charles Cleburn Turner,..... Defendants,

of whom The Shaw Corporation d/b/a Shaw's Phar-  
macy is the .....Appellant.

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

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

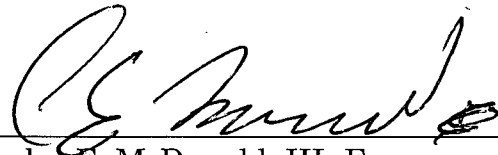
1. Summons and Complaint, filed October 7, 2013.
2. Answer and Counterclaim, filed November 6, 2013.
3. Motion for Complete or Partial Summary Judgment, filed December 15, 2014.
4. Defendants' Response in Opposition to Motion for Summary Judgment, filed February 6, 2015.
5. Plaintiffs' Memorandum of Law in Support of Summary Judgment, filed February 10, 2015.
6. June 19, 2015 email from Tonya D. Hendricks, Paralegal to Judge Maddox (forwarded same day by Hendricks to John Merrell) with attached proposed Order Granting Plaintiff's Motion for Partial Summary Judgment.

7. Defendants' Objections to Plaintiff's Proposed Order Granting Motion for Summary Judgment and Supplemental Memorandum in Opposition to Plaintiff's Motion for Summary Judgment, with exhibits, filed June 30, 2015.
8. Order Granting Plaintiff's Motion for Partial Summary Judgment, filed August 28, 2015.
9. Defendants' Motion to Reconsider Award of Treble Damages, Clarify Prior Ruling, and Confrim that Wage Payment Claim Has Been Adjudicated in Its Entirety, filed September 14, 2015..
10. December 30, 2015 email from John Merrell to Judge Maddow with attached [Proposed] Order Revising and Clarifying Order for Partial Summary Judgment.
11. Transcript of Record, hearing held April 24, 2017.
12. Order Revising and Clarifying Order for Partial Summary Judgment, filed July 27, 2018.

These are the same documents listed on Appellant's Designation of Matter to be Included on Appeal that was served on November 19, 2018 along with the Initial Brief of Appellant.

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

January 25, 2019



Charles E. McDonald, III, Esq.

(SC Bar No. 9612)

John T. Merrell, Esq.

(SC Bar No. 74937)

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ATTORNEYS FOR APPELLANT, THE SHAW  
CORPORATION D/B/A SHAW'S PHARMACY

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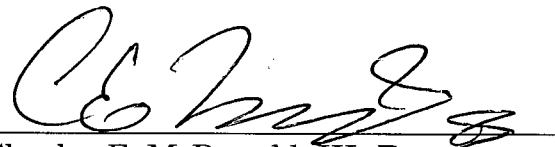
The Shaw Corporation d/b/a Shaw's Pharmacy and  
Charles Cleburn Turner, ..... Defendants,

of whom The Shaw Corporation d/b/a Shaw's Phar-  
macy is the ..... Appellant.

**PROOF OF SERVICE**

I certify that I have served the Appellant's Designation of Matter to be Included in the Record on Appeal by sending to Respondent's attorney of record a copy of the same via first class mail, properly addressed, postage prepaid to the following address: W. Benjamin McClain, Jr., Esq., 300 E. Washington Street, Suite I, Greenville, SC 29607.

January 25, 2019



Charles E. McDonald, III, Esq.  
SC Bar No. 9612  
John T. Merrell, Esq.  
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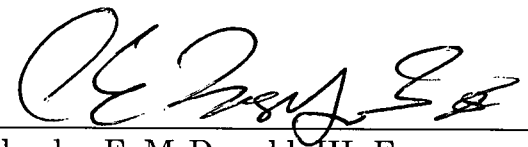
The Shaw Corporation d/b/a Shaw's Pharmacy and  
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of whom The Shaw Corporation d/b/a Shaw's Phar-  
macy is the ..... Appellant.

**PROOF OF SERVICE**

I certify that I have served the Initial Reply Brief of Appellant on this date by sending to Respondent's attorney of record a copy of the same via first class mail, properly addressed, postage prepaid to the following address: W. Benjamin McClain, Jr., Esq., 300 E. Washington Street, Suite I, Greenville, SC 29607.

January 25, 2019



Charles E. McDonald, III, Esq.  
SC Bar No. 9612  
John T. Merrell, Esq.  
SC Bar No. 74937

# Ogletree Deakins

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Attorneys at Law

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www.ogletreedeakins.com

January 25, 2019

**VIA CERTIFIED MAIL,**  
**RETURN RECEIPT REQUESTED**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

Re: *Shadia Hewitt v. The Shaw Corporation*  
Case No. 2018-001603

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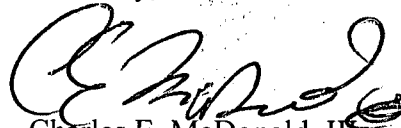
Dear Ms. Kitchings:

Please find enclosed for filing the original and one copy of (1) Initial Reply Brief of Appellant and Proof of Service and (2) Appellant's Designation of Matter to be Included in the Record on Appeal and Proof of Service. Please file the original and return the time stamped copy in the self-addressed, stamped envelope provided.

A copy of these filings is being served on Appellee's counsel Ward Benjamin McClain, Jr.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,



Charles E. McDonald, III  
Post Office Box 2757  
Greenville, SC 29601  
864-271-1300  
Attorney for Appellant

cc: Ward Benjamin McClain, Jr. (w/encl.)

37169029.1

CERTIFIED MAIL



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**FIRST CLASS MAIL**

**Ogletree  
Deakins**  
OGLETREE, DEAKINS, NASH,  
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The Honorable Jenny Abbott Kitchener  
Clerk of Court  
South Carolina Court of Appeals  
Calhoun Building  
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