

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

JUL 31 2019
SC Court of Appeals

The Honorable Jennifer B. McCoy, Circuit Court Judge

Civ. No. 2018-CP-10-00323

Elizabeth Lofton,Appellant,

v.

Berkeley Electric Cooperative, Inc. and
John Lucas Tree Expert, Co., Respondents.

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

Respondent John Lucas Tree Expert, Co. proposes the following be included in the Record on Appeal:

1. Form 4 Order denying Plaintiff's Motion to Reconsider, filed March 6, 2019;
2. Order Granting Summary Judgment, filed Feb. 22, 2019;
3. Plaintiff's First Amended Complaint, filed Jan. 19, 2016;
4. John Lucas Tree Expert, Co.'s Answer to Plaintiff's First Amended Complaint, filed March 14, 2016;
5. Berkeley Electric Cooperative, Inc. Defendant's Answer to First Amended Complaint, filed Feb. 3, 2016;
6. John Lucas Tree Expert, Co.'s Motion for Summary Judgment and Memorandum in Support of Motion for Summary Judgment, filed Oct. 3, 2016, with Exhibit 3;
7. Defendant Berkeley Electric Cooperative, Inc.'s Motion for Summary Judgment, filed Oct 11, 2016;

8. Consent Order for Dismissal Pursuant to Rule 40(j), filed Oct. 28, 2016;
9. Notice of Motion and Motion to Restore Claim Pursuant to Rule 40(j), filed Sept. 28, 2017;
10. Consent Order Restoring Case Pursuant to Rule 40(j), filed Jan. 24, 2018;
11. Defendant John Lucas Tree Expert, Co.'s Motion for Summary Judgment, and Memorandum in Support of Motion for Summary Judgment, both filed Aug. 31, 2018, with all attached exhibits;
12. Defendant Berkeley Electric Cooperative, Inc.'s Motion for Summary Judgment and Memorandum in Support of Motion for Summary judgment, both filed Sept. 19, 2018;
13. Plaintiff's Motion to Amend, filed Nov. 26, 2018;
14. Plaintiff's Response to Defendants' Motions for Summary Judgment, filed Nov. 26, 2018;
15. Plaintiff's Notice of Motion and Motion to Reconsider Summary Judgment, filed March 4, 2019;
16. Transcript of November 26, 2018 motions hearing before The Honorable Jennifer B. McCoy; and,
17. Lofton Deposition transcript, cover page and pp. 7-9, 73, 74.

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

July 29, 2019

McANGUS GOUDELOCK & COURIE LLC



Helen F. Hiser, S.C. Bar No. 76124
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*Attorneys for Respondent John Lucas Tree
Expert, Co.*

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PROOF OF SERVICE

I certify that on the 29th day of July 2019, I served the **Initial Brief of Respondent John Lucas Tree Expert, Co.** and Respondent's **Designation of Matter** on the other parties to this appeal by depositing a copy of it in the United States Mail, postage prepaid, addressed to the following counsel of record:

Pope D. Johnson, III, Esq.
1230 Richland Street
Columbia, SC 29201

John B. Williams, Esq.
Williams & Hulst, LLC
209 East Main Street
Moncks Corner, SC 29461

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Cooperative, Inc.*

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*Counsel for Appellant Elizabeth
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Reply To
HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

July 29, 2019

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JUL 31 2019

SC Court of Appeals

Via U.S. Mail

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Elizabeth Lofton vs. Berkeley County Electric Cooperative, Inc. and
John Lucas Tree Expert, Co.
Civil Action No.: 2018-CP-10-00323 (Charleston)
Date of Incident: July 17, 2013
Carrier Claim No.: 20205054
MGC File No.: 20880.16001
Appeal No.: 2019-000574

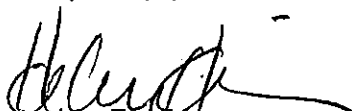
Dear Ms. Kitchings:

Enclosed for filing please find the following documents:

1. the original and one copy of the Initial Brief of Respondent John Lucas Tree Expert, Co.;
2. the original and one copy of Respondent's Designation of Matter to be Included in the Record on Appeal; and
3. the original and one copy of Respondent's Proof of Service concerning items one and two.

Please file these documents and return the clocked-in copies in the enclosed, self-addressed stamped envelope.

Very truly yours,


Helen F. Hiser

Enclosures

cc: Michael A. Whitsitt, Esq.
Pope D. Johnson, III, Esq.
John B. Williams, Esq.

