

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Daniel D. Hall, Circuit Court Judge

Appellate Case No. 2019-000359

RECEIVED

AUG 13 2019

SC Court of Appeals

David Miller,.....Appellant,

v.

ENT & Face PA, and Brian Wilson, MD,.....Respondents.

**Designation of Matter
to be included in the Record on Appeal**

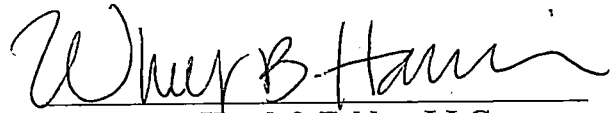
Appellant proposes the following be included in the Record on Appeal:

1. Complaint;
2. Answer;
3. Plaintiff's Exhibit 1- Wilson and ENT records;
4. Verdict Form;
5. Appellant's JNOV motion;
6. Respondents' Return to the JNOV;
7. Form 4 Order;
8. Deposition of Brian Wilson; and
9. Trial transcript—starting with opening statements through return of verdict (including cover page and table of contents).

Counsel certifies this designation contains no matter which is irrelevant to this appeal.

Signature Page to Follow

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Whitney B. Harrison". The signature is written in a cursive style and is positioned above a horizontal line.

McGowan, Hood & Felder, LLC

August 13, 2019
Columbia, SC

Whitney B. Harrison
1517 Hampton Street
Columbia, South Carolina 29201
(803) 779-0100

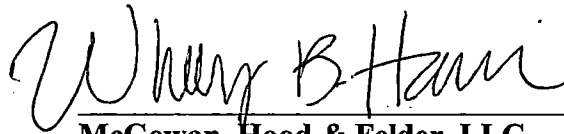
Chad A. McGowan
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ATTORNEYS FOR APPELLANT

CONCLUSION

Based on the foregoing, the trial court erred in failing to direct a verdict as to breach. For the reasons stated herein, reversal and a new trial are warranted.

Respectfully submitted,



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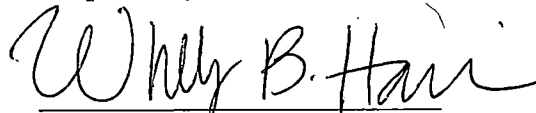
PROOF OF SERVICE

The undersigned hereby certifies that on August 13, 2019, she served counsel for Respondents with the *Initial Brief and Designation of Matter* by mailing a copy of the same by United States Mail with first class postage prepaid to the following address:

Hutson S. Davis, Jr.
S. Harrison Williams
10 Pinckney Colony Road, Ste. 200
Bluffton, SC 29909

Andrew Lindemann
Lindemann, Davis & Hughes, P.A.
5 Calendar Court, Suite 202
P.O. Box 6923
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Respectfully submitted,



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Whitney B. Harrison
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*Of Counsel

writers email: wharrison@mcgowanhood.com

August 13, 2019

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

RE: David Miller v. ENT & Face PA et al
Appellate Case No. 2019-000359

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SC Court of Appeals

Dear Ms. Kitchings,

Please find enclosed for filing the original and one (1) copy of the *Initial Brief of Appellant* and *Designation of Matter to be included in the Record on Appeal* in regards to this case. I have also enclosed a proof of service of this document on counsel for Respondents. Please return the additional filed copies to me via our courier.

Thank you for your attention to this matter. If you need any additional information, please do not hesitate to contact me.

With kind regards,

Sincerely,

A handwritten signature in black ink that reads "Whitney B. Harrison". The signature is written in a cursive, flowing style.
Whitney B. Harrison

cc: Hutson S. Davis, Jr.
S. Harrison Williams
Andrew Lindemann