

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Jean H. Toal, Circuit Court Judge

Appellate Case No. 2019-000649

RECEIVED
NOV 18 2019
SC Court of Appeals

Stephen R. Edwards, Individually and as Personal Representative of the Estate of Steven Redfearn Stewart,..... Respondent,

v.

Scapa Waycross, Inc.,.....Appellant.

RESPONDENT'S DESIGNATION OF MATTER FOR THE RECORD ON APPEAL

Respondent Stephen R. Edwards, Individually and as Personal Representative of the Estate of Steven Redfearn Stewart, designates the following to be included in the Record on Appeal with all necessary redactions pursuant to Supreme Court Order 2014-04-15-02:

1. Notice of Appeal, filed April 17, 2019
2. Order Re: Post-Trial Motions, filed March 25, 2019
1. Pleadings
 - a. Complaint, filed February 5, 2013
 - i. Including exhibit A
 - b. First Amended Complaint, filed May 31, 2013
 - i. Including exhibit A
 - c. Suggestion of Death, filed October 28, 2013
 - d. Second Amended Complaint, filed November 21, 2013

- e. Amended Answer and Affirmative Defenses of Defendants Scapa Waycross, Inc., to Plaintiff's Second Amended Complaint, filed December 18, 2013
- f. Plaintiffs' Motion *in Limine* No. 2, Asbestos Bankruptcies; Trusts and Plaintiff's Claims to Same, filed December 18, 2017
- g. Scapa Waycross, Inc.'s Motion to Exclude Plaintiff's Expert Testimony on Specific Causation, filed December 18, 2017
- h. Defendant Scapa Waycross, Inc.'s Motion *in Limine* to Admit Bankruptcy Claim Forms as Admissions of a Party-Opponent, filed December 18, 2017
- i. Defendant Scapa Waycross, Inc.'s Motion to Compel Complete Bankruptcy Forms, filed December 18, 2017
- j. Scapa Waycross, Inc.'s, Notice of Motion and Motion for JNOV, filed February 16, 2018
- k. Defendant Scapa Waycross, Inc.'s, Motion for Setoff of Plaintiff's Settlement Proceeds, filed February 16, 2018
- l. Plaintiff's Motion for New Trial *Nisi Additur*, filed February 19, 2018
- m. Defendant Scapa Waycross, Inc.'s Brief in Support of Motion for JNOV, filed March 22, 2018
 - a. Verdict Form, filed March 25, 2019
 - b. Defendant Scapa Waycross, Inc.'s, Motion to Reallocate Plaintiff's Settlement Proceeds, filed July 24, 2018
 - c. Defendant's Brief in Support of Motion to Reallocate Settlement Proceeds, filed July 23, 2018
 - d. Plaintiff's Response and Brief to Defendant Scapa Waycross, Inc.'s Motion to Reallocate Plaintiff's Settlement Proceeds, filed August 3, 2018

2. Transcripts of Trial Proceedings:

- a. Transcript of Hearing on January 9, 2018, pp. 1-26, 48-69, 80-142, 161-62, 174
- b. Trial Transcript Volume I, pp. 1-6, 24-62, 68-94, 104-172, 186-417, 421-608, 616-641, 644-653, 661, 668-669, 673-712, 715-717, 720-744
- c. Trial Transcript Volume II, pp. 1-54, 63-174, 186-314, 318-494
- d. Deposition Designations either read into the record or played for the Jury at trial:
 - i. Dr. Arthur Frank, December 11, 2017, deposition

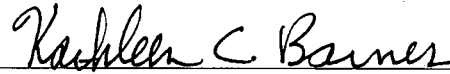
1. Entire deposition designation played at trial, video and paper transcript pp. 1-84 ln.2, 91 lns. 9-24, p. 94 lns. 14-24, p. 95 lns. 1-11, p. 96 lns. 13-25, 97-132 ln. 11
 - ii. George Hegler, July 17, 2013 deposition
 1. Entire deposition designation read at trial: pp. 1, 5 ln. 23, 6 lns. 23-24,
 - iii. Henry Merk, deposition designations listed below read at trial
 1. May 27, 1998 deposition taken in the case of *Robert Lee Bickham v. Metropolitan Life Ins. Co.*, 22nd Judicial District Court, Parish of Washington, State of Louisiana, pp. 1; 10 lns. 1-25; 17 lns. 16-25; 18 lns. 1-25; 19 lns. 1-25; 30 lns. 1-25; 31 lns 1-4, 13-25; 36 lns. 5-9, 24-25; 37 lns. 2, 4, 7-25; 38 lns. 1-4, 21-25; 39 lns. 1-13; 41 lns. 10-25; 49 lns. 1-22, 25; 50 lns. 1-8; 51 lns. 8-18; 82 lns. 2-13; 83 lns. 1-25; 96 lns. 9-25; 97 lns. 1-4; 113 lns. 1-25; 120 lns. 1-25; 121 lns. 1-25; 122 lns. 1-12, 17-22; 129 lns. 14-25; 130 lns. 1-4; 131 lns. 19-25; 132 lns. 1-25; 133 lns. 1-15; 139 lns. 1-11, 16-25; 140 lns. 1-18, 22; 141 lns. 5-6, 13-21; 157 lns. 1-25; 158 lns. 1-25; 159 lns. 1-5; 165 lns. 1-19, 23-24
 - iv. Steven R. Stewart
 1. March 4, 2013, deposition designations listed below played at trial, video and paper transcript
 - a. pp. 1-5; 6 lns. 14-25; 7-14; 15 lns. 1-2, 17-25; 16-17; 18 lns. 1-6, 10-23; 19 lns. 7-25; 20-36; 37 lns. 1-13; 38-49; 51 ns. 3-14; 52 lns. 5-25; 53-68; 69 lns. 1-16
 2. February 28, 2013, deposition designations listed below played at trial
 - a. pp. 1; 7 lns. 22-24; 24 lns. 23-25; 24 lns. 1-7, 24-25; 26 lns. 1-7; 27 lns. 10-13; 28 lns. 1-12; 44 lns. 6-25
 3. Mr. Stewart August 20, 2013, Day in the life video played at trial (Tr. Vol. I p. 634)
 - e. Transcript of Hearing on July 11, 2018, all pages
 - f. Transcript of Hearing on October 10, 2019, all pages
 - i. Court Exhibit 1, Chart
3. Trial Exhibits:

- a. Plaintiff's Exhibit 1 – Death Certificate
- b. Plaintiff's Exhibit 3 – Mastercard 25A & B
- c. Plaintiff's Exhibit 4 – Mastercard 23A & B
- d. Plaintiff's Exhibit 6 – Report on Asbestos
- e. Plaintiff's Exhibit 7 – Document 71825
- f. Plaintiff's Exhibit 9 – Scapa-Porritt Memo
- g. Plaintiff's Exhibit 26 – Mastercard 10 A&B
- h. Plaintiff's Exhibit 27 – Mastercard 12 A&B
- i. Plaintiff's Exhibit 28 – Mastercard 14 A&B
- j. Plaintiff's Exhibit 31- photo
- k. Plaintiff's Exhibit 35 – photos (in color)
- l. Plaintiff's Exhibit 37 – Mastercard 8 A&B
- m. Plaintiff's Exhibit 38 – Mastercard 9 A&B
- n. Plaintiff's Exhibit 39 – Mastercard 26 A&B
- o. Plaintiff's Exhibit 40 – Mastercard 22 A&B
- p. Plaintiff's Exhibit 41 – Mastercard 19 A&B
- q. Plaintiff's Exhibit 42 – Mastercard 17 A&B
- r. Plaintiff's Exhibit 49 – Mastercard 7 A&B
- s. Plaintiff's Exhibit 50 – Mastercard 11 A&B
- t. Plaintiff's Exhibit 51 – Mastercard 13 A&B
- u. Plaintiff's Exhibit 52 – Mastercard 15 A&B
- v. Plaintiff's Exhibit 53 – Mastercard 16 A&B
- w. Plaintiff's Exhibit 54 – Mastercard 20 A&B
- x. Plaintiff's Exhibit 56 – Mastercard 24 A&B
- y. Plaintiff's Exhibit 57 – Mastercard 27 A&B

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

November 15, 2019

Respectfully submitted,



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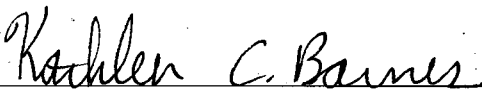
PROOF OF SERVICE

The undersigned certifies that a copy of *Initial Brief of Respondent* and *Respondent's Designation of Matter for the Record on Appeal* have been served upon the following counsel of record by mailing one copy by United States Mail, addressed as shown below this 15th day of November, 2019.

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November 15, 2019

Via U.S. Mail

The Honorable Jenny Abbott Kitchings
Clerk of Court for the Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

Re: *Stephen R. Edwards, Individually and as Personal Representative of the Estate of Steven Redfearn Stewart v. Scapa Waycross, Inc.*
Appellate Case No. 2019-000649

Dear Mrs. Kitchings:

Enclosed for filing please find the original and one copy of (1) *Initial Brief of Respondent*, (2) *Respondent's Designation of Matter for the Record on Appeal*, and (3) *Proof of Service*. Please file the documents and return one file-stamped copy to me in the enclosed self-addressed, stamped envelope. By copy of this letter, I am serving all counsel of record with a copy of the same.

If you have any questions, please do not hesitate to contact me. Thank you.

With kind regards, I am,



Kathleen C. Barnes

Enclosures

cc: William P. Early
Joseph C. Wilson, IV
S. Christopher Collier
Robert B. Gilbreath
William M. Graham
Mona Lisa Wallace
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