

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Robin B. Stilwell, Circuit Court Judge

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Appellate Case No. 2019-001415  
Case No. 2018-CP-23-05985

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**RECEIVED**  
JAN 08 2020  
SC Court of Appeals

W. Clark Jernigan, M.D. ....Respondent,

v.

St. Francis Physician Services, Inc. ....Appellant.

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

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Pursuant to Rule 209, SCACR, Appellant St. Francis Physicians Services, Inc. proposes the following be included in the Record on Appeal:

1. Order Granting in Part and Denying in Part Plaintiff's Motion for Partial Summary Judgment (July 15, 2019);
2. Order Denying Defendant's Motion to Reconsider, Alter, or Amend (August 7, 2019);
3. Complaint, including all exhibits (November 28, 2018);
4. Answer and Affirmative Defenses (January 28, 2019);
5. Plaintiff's Motion for Partial Summary Judgment (April 10, 2019);
6. Affidavit of W. Clark Jernigan, M.D., in support of Motion for Partial Summary Judgment, with all exhibits (April 10, 2019);

7. *Exhibits to Defendant's Memorandum in Opposition to Plaintiff's Motion for Partial Summary Judgment (June 14, 2019): Exhibit A, Affidavit of Bill Gay and Exhibit B, Affidavit of Nikole Setzler Mergo, Esquire;*
8. Transcript of Hearing (June 18, 2019) (pgs. 1-35, 55-57);
9. Defendant's Motion to Reconsider, Alter, and Amend Order Granting in Part and Denying in Part Respondent's Motion for Partial Summary Judgment;
10. Notice of Appeal (August 23, 2019); and
11. Order Denying Respondent's Motion to Dismiss (November 7, 2019).

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

Respectfully submitted,

*Nikole Setzler Mergo* by *SMC with*  
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*Attorneys for Appellant St. Francis Physician  
Services, Inc.*

January 8, 2020  
Columbia, South Carolina

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**PROOF OF SERVICE**

I hereby certify that a copy of *Appellant's Initial Brief* and *Appellant's Designation of Matter To The Record On Appeal* have been served upon Respondent's counsel pursuant to Rule 262(b), SCACR, by hand delivering a copy of the same, on the 8<sup>th</sup> day of January, 2020, to the address as shown below:

Henry L. Parr, Jr., Esquire  
James E. Cox, Jr., Esquire  
200 East Camperdown Way  
Greenville, South Carolina 29602  
[hparr@wyche.com](mailto:hparr@wyche.com)  
[jcox@wyche.com](mailto:jcox@wyche.com)

*[Signature on following page]*

*Nikole Setzler Mergo by SPNcw with*  
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*Attorneys for Appellant*

Nikole Setzler Mergo  
Member  
Admitted in SC, NC

January 8, 2020

VIA HAND DELIVERY

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

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SC Court of Appeals

Re: *W. Clark Jernigan v. St. Francis Physician Services, Inc.*  
Appellate Case No. 2019-001415

Dear Ms. Kitchings:

Enclosed please find an original and two copies each of the *Appellant's Initial Brief* and *Appellant's Designation of Matter To The Record On Appeal* in the above-referenced matter. Please file the original and return the filed, stamped copy to our courier.

Charleston  
Charlotte

**Columbia**

Greensboro  
Greenville

Hilton Head  
Myrtle Beach

Raleigh

By copy of this letter and as further evidenced by the Proof of Service respondent's attorneys are being served.

Please contact me if you need anything further. Thank you for your assistance in this matter.

Very truly yours,

Nikole Setzler Mergo  
Nikole Setzler Mergo by SMC with  
express permission

NSM/fch  
Enclosures  
cc (w/Enclosures): Henry L. Parr, Jr., Esquire  
James E. Cox, Jr., Esquire