

**STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

Appeal from Georgetown County  
Court of Common Pleas

Larry Hyman, Circuit Court Judge

**RECEIVED**

Case No. 2016-CP-22-00863  
Appellate Case No. 2019-001304

JAN 15 2020  
SC Court of Appeals

Phillippa Smalling, individually and  
as Next Friend for Jahmerican M., a minor,

Appellant,

v.

Lisa R. Maselli, M.D., both individually and  
as agent/employee of Carolina OB-GYN,

Respondent.

**RESPONDENT'S DESIGNATION OF MATTERS TO BE  
INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 209, SCACR, Respondent designates the following items for inclusion in the Record on Appeal in addition to those matters designated by the Appellant<sup>1</sup>:

**Orders:**

Order on posttrial motions, filed June 27, 2019;  
Jury Verdict, dated April 5, 2019;

<sup>1</sup>Respondent hereby notes her objection to the Appellant's Designation of Matter to be Included in the Record on Appeal for failure to comply with Rule 209, SCACR. Without attention to the specificity or relevance requirements of Rule 209, the Appellant essentially has designated the entire lower court record with an unprecedented provision to allow the parties to agree to exclude certain matters at the completion of the briefing process. Without the benefit of any specifically identified matters designated by the Appellant, Respondent designates these items for inclusion in the Record on Appeal while reserving the right to require other matters be included during the post-briefing process contemplated by the Appellant.

**Pleadings:**

Amended Complaint, filed March 23, 2017;  
Answer to Amended Complaint, filed April 17, 2017;  
Rule 59(e) motion for a new trial, filed April 15, 2019;  
Amended Rule 59(e) motion, filed April 16, 2019;

**Transcript:** April 3-5, 2019 (excluding jury selection);

**Exhibits:** Defense Exhibits 4, 5, 6, 8, 31;

**Other Documents:**

Notice of Appeal, filed July 1, 2019; and  
Notice of Appeal, filed August 5, 2019.

The undersigned certifies that this Designation contains no material which is irrelevant to the appeal.



Hood Law Firm, LLC

James B. Hood, (SC #70212)  
John O. Radeck (SC #77849)  
Deborah H. Sheffield, *Of Counsel* (SC #2757)  
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**Attorneys for Respondent**

January 13, 2020

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Respondent.

**Certificate of Service**

The undersigned certifies that on this 13<sup>th</sup> day of January, 2020, a copy of the Initial Brief of Respondent and Initial Designation of Matters to be Included in the Record on Appeal on behalf of Lisa R. Maselli, M.D., both individually and as agent/employee of Carolina OB/GYN, was served on Counsel for the Appellant by depositing a copy in the U.S. Mail, with sufficient first class postage, addressed to counsel at the addresses listed below:

Edward L. Graham, Esquire  
Graham Law Firm, P.A.  
33 Market Point Drive  
Greenville, SC 29660

Edward L. Graham, Esquire  
Graham Law Firm, P.A.  
120 Donald Drive  
Pendleton, SC 29670

  
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James B. Hood (SC #70212)  
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Charleston, SC 29402  
(843) 577-4435  
**Attorneys for Respondent**

January 13, 2020

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

Re: Phillippa Smalling, Individually and as Next Friend of Jahmerican M., a minor v. Lisa R. Maselli, M.D., both individually and as agent/employee of Carolina OB/GYN  
C/A No. 2016-CP-22-00863, Georgetown CP  
Appellate Case No. 2019-001304  
HLF File No. 242.225

Dear Ms. Kitchings:

Enclosed please find the original and one copy of the Respondents' Initial Brief and Designation of Matters to be Included in the Record on Appeal in the above matter, along with the Certificate of Service. By copy of this letter, we are serving counsel for the Appellant. Please return the clocked-in copy of each in the envelope provided.

Kind regards,

Yours truly,

  
James B. Hood

JBH/jad  
Enclosure

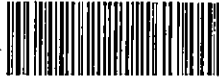
cc: Edward L. Graham, Esquire  
Eugene B. Benton, Paralegal to Edward L. Graham, Esquire

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JAN 15 2020  
SC Court of Appeals

CERTIFIED MAIL

**HOOD  
LAW FIRM**

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CHARLESTON, SC  
29401



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JAN 15 2020

SC Court of Appeals

Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
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247225

