

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM Horry COUNTY
Court of Common Pleas

The Honorable Benjamin H. Culbertson, Circuit Court Judge

RECEIVED
JAN 28 2020
SC Court of Appeals

Case No. 2019-001199

Michelle M. Messer,Appellant,

v.

William J. Muse, Individually and as President of NEM, Inc.; NEM, Inc. d/b/a The Sandy Monkey; Sharon Cumbie; Kathryn Montorio; and Christopher B. Campbell, Defendants,

Of which William J. Muse, Individually and as President of NEM, Inc.; NEM, Inc. d/b/a The Sandy Monkey; Sharon Cumbie; and Kathryn Montorio are the Respondents,

.....Respondents


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

The Respondent propose the following to be included in the Record on Appeal:

1. Complaint;
2. Answer;
3. Entry of Default;
4. Dr. Eagerton Report dated December 22, 2016 and July 25, 2018;
5. Dr. David Eagerton Deposition Transcript from July 31, 2018;
6. Christopher Campbell Deposition Transcript from September 6, 2018;
7. Elizabeth Trendowski Deposition Transcript from November 7, 2018, specifically including pages 74-75
8. Amended Answer
9. Kathy Montorio Deposition Transcript from October 5, 2018, specifically including pages 1-2; 65-67
10. Audio Tape of Statement of Plaintiff to Police

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

Respectfully submitted,

By: 

J. BOONE AIKEN, III

SC Bar No.: 307

JENNY DRAFFIN SMITH

SC BAR NO: 76129

Aiken, Bridges, Elliott, Tyler & Saleeby, P.A.

PO Drawer 1931

Florence, SC 29503

Telephone: 843.669.8787

fax: 843.664.0097

JDS@AIKENBRIDGES.COM

JBA@AIKENBRIDGES.COM

**ATTORNEYS FOR THE RESPONDENTS
WILLIAM J. MUSE, INDIVIDUALLY AND AS
PRESIDENT OF NEM, INC.; NEM, INC. D/B/A
THE SANDY MONKEY; SHARON CUMBIE;
AND KATHRYN MONTORIO**

Florence, South Carolina
January 27, 2020

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Of which William J. Muse, Individually and as President of NEM, Inc.; NEM, Inc. d/b/a The Sandy Monkey; Sharon Cumbie; and Kathryn Montorio are the Respondents,

.....Respondents.

PROOF OF SERVICE

I certify that I have served the Respondent's Designation of Matter to be Included in the Record on Appeal, by depositing a copy of it in the United States Mail, postage prepaid, on January 27, 2020, addressed to her attorney of record, Justin D. Bice, 406 Tom Hall Street, Fort Mill, South Carolina 29715.

By: 

JENNY DRAFFIN SMITH

SC BAR NO: 76129

J. BOONE AIKEN, III

SC Bar No.: 307

Aiken, Bridges, Elliott, Tyler & Saleeby, P.A.

PO Drawer 1931

Florence, SC 29503

Telephone: 843.669.8787

fax: 843.664.0097

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JBA@AIKENBRIDGES.COM

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PRESIDENT OF NEM, INC.; NEM, INC. D/B/A

THE SANDY MONKEY; SHARON CUMBIE;

AND KATHRYN MONTORIO

Florence, South Carolina
January 27, 2020

Aiken Bridges Attorneys at Law

J. Boone Aiken, III •
Saunders M. Bridges, Jr. •+
E. Glenn Elliott •
Matthew N. Tyler •
James M. Saleeby, Jr.
J. David Banner
Samuel F. Arthur, III
Jay R. Lee
Preston B. Dawkins, Jr.
Carrie A. Fox •
J. Rufus Bratton, III
Jenny D. Smith
Lanier S. Felten

JDS@AIKENBRIDGES.COM
843-669-8787, ext. 304
Facsimile: 843-664-0097

Alvin A. Coleman (1930-1995)

January 27, 2020

•Certified Mediator/Arbitrator
+Also Admitted District of Columbia

RECEIVED

JAN 28 2020

SC Court of Appeals

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

Re: Michelle M. Messer, Appellant v. William J. Muse, Individually and as
President of NEM, Inc.; NEM, Inc. d/b/a The Sandy Monkey; Sharon Crumbie;
and Kathryn Montorio, Respondents.
Appellate Case No.: 2019-001-199
Our File No.: 33152

Dear Ms. Kitchings:

Enclosed with this letter please find the original and one (1) copy of the Initial Brief of the Respondent, and the original and one (1) copy of the Designation of Matter for Record on Appeal in the above-referenced matter. Please file the same with your Court.

We are also enclosing the original Certificate of Counsel and original Proof of Service indicating service by mail this day of service upon the Appellant's counsel.

Thank you for your assistance in this matter. Should you have any questions or comments regarding any of the above, please do not hesitate to call.

With kind regards, I remain

Sincerely,



JENNY DRAFFIN SMITH

JDS/lhn
Enclosure

Aiken, Bridges, Elliott, Tyler & Saleeby, P.A.

181 East Evans St. Suite 409
Florence, South Carolina 29506

www.aikenbridges.com

Post Office Drawer 1931
Florence, South Carolina 29503

Aiken
Bridges
Attorneys at Law

January 27, 2020
Page 2

Cc:

Justin D. Bice
406 Tom Hall Street
Fort Mill, SC 29715



First Class Mail

<p>Aiken Bridges Attorneys at Law P.O. DRAWER 1931 FLORENCE, SC 29503</p>	<p>RECEIVED JAN 28 2020 SC Court of Appeals</p>
<p>TO: Jenny Abbott Kitchings Clerk, South Carolina Court of Appeals P.O. Box 11629 Columbia, SC 29211</p>	