

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Robin B. Stilwell

Appellate Case No. 2019-001506

RECEIVED
MAR 05 2020
SC Court of Appeals

Ex Parte: Trustgard Insurance Company,..... Appellant-Respondent,

In Re:

Terence Graham,.....Plaintiff,

v.

Full Logistics, Inc.,.....Defendant,

Of Whom Terence Graham is the.....Respondent-Appellant.

RESPONDENT-APPELLANT TERENCE GRAHAM'S DESIGNATION OF MATTER
FOR THE RECORD ON APPEAL

Respondent-Appellant Terence Graham 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. Trustgard Notice of Appeal, filed September 6, 2019
2. Graham Notice of Cross-Appeal, filed September 12, 2019
3. Order, filed August 9, 2019
4. Summons and Complaint, filed January 23, 2017
5. Answer of Defendant Foster, filed March 15, 2017
6. Affidavit Seeking Order to Allow Service by Publication, April 27, 2017
7. Affidavit of Non Service, filed April 27, 2017

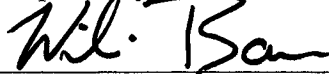
8. Affidavit of Karen C. Garrett, filed April 27, 2017
9. Order for Service by Publication, filed May 1, 2017
10. Affidavit of Service on Foster, filed April 30, 2018
11. Affidavit of Service on Full Logistics, filed April 30, 2018
12. Affidavit of Default, filed April 30, 2018
 - a. Including exhibits (affidavits of service on Foster and Full Logistics)
13. Order of Default, filed May 1, 2018
14. Order of Default, filed May 15, 2018
15. Letter of Brian Smith to Drico Fuller and Certificate of Service, filed June 26, 2018
16. Order of Damages by Way of Default, including Form 4, filed July 24, 2018
17. Motion to Vacate and/or Set Aside Judgment for Default Damages, filed November 29, 2018
18. Memorandum of Law in Support of Motion to Vacate and/or Set Aside Judgment for Default Damages, Filed January 4, 2019
 - a. Exh. A, Affidavit of Jon Barrett, filed January 4, 2019
 - i. Exh. 1, March 3, 2014 Letter of Brian Smith, failed January 4, 2019
 - ii. Exh. 2, April 14, 2014 Letter of Virginia M. McMath, June 30, 2015 Letter of Jon Barrett all filed January 4, 2019
 - b. Exh. D, Affidavit of Keith Johnson, filed January 4, 2019
19. Notice of Appearance of William F. Barnes, III, filed January 7, 2019
20. Motion for Continuance, filed January 7, 2019
21. Motion to Strike, filed January 7, 2019
22. Transcript of Hearing on January 8, 2019, all pages
23. Motion to be Relieved as Counsel, filed January 30, 2019
24. Trustgard Insurance Company's Motion to Intervene and Motion to Set Aside Default Judgment, filed February 22, 2019
25. Affidavit of Larry Nelson, filed February 22, 2019

26. Form 4 Order relieving Rupert and Diegel as counsel and stating Hogg as counsel for Full Logistics, filed March 5, 2019
27. Affidavit of Michael R. Burchstead, filed April 12, 2019
28. Trustgard Insurance Company's Memorandum in Support of Motion to Intervene and Set Aside the Default Judgment, filed April 15, 2019
 - a. Exh. A, Secretary of State Records
 - b. Exh. F, Silvaggio Affidavit of January 7, 2019
29. Memorandum in Opposition to Full Logistics, Inc.'s Motion to Vacate and/or Set Aside Judgment for Default Damages, filed April 23, 2019
 - a. Exh. 1, accident report
 - b. Exh. 2, Uniform traffic ticket
 - c. Exh. 3, June 15, 2016 Letter of Jon Barrett
 - d. Exh. 4, Secretary of State records
 - e. Exh. 5, December 30, 2015, Letter from Workers' Compensation Commission
 - f. Exh. 6, February 19, 2016, Letter to the Workers' Compensation Commission
 - g. Exh. 7, November 8, 2018, Letter from Peter Dworjanym
 - h. Exh. 8, Keith Johnson card and draft affidavits
 - i. Exh. 9, Text Messages
 - j. Exh. 10, December 10, 2018 letter from Grange Insurance
 - k. Exh. 11, Emails
 - l. Exh. 12, Transcript of January 8, 2019 hearing
 - m. Exh. 13, February 4, 2019 letter
 - n. Exh. 14, February 15, 2019 letter
 - o. Exh. 15, Emails
 - p. Exh. 16, February 22, 2019 letter
 - q. Exh. 17, March 19, 2019 letter

- r. Exh. 18, April 3, 2019 letter
 - s. Exh. 19, Affidavit of Service
 - t. Exh. 20, Affidavit of Paul Silvaggio
 - u. Exh. 21, Driving Record of Drico Fuller
30. Memorandum in Opposition to Trustgard Insurance Company's Motion to Intervene and Motion to Set Aside Default Judgment, filed April 23, 2019
31. Letter from William Barnes, filed April 24, 2019
- a. Exhibit 23- email
 - b. Exhibit 24 – Bridget Fuller driving record
32. Letter from William Barnes, filed April 24, 2019
- a. Timeline exhibit
33. Transcript of hearing on April 24, 2019, all pages
34. Trustgard Supplemental Memorandum in Support of Motion to Intervene and to Set aside the Default Judgment, filed June 28, 2019
- a. Exh. A, Aff. of Moscato
35. Trustgard Motion to Stay a Formal Ruling Pending Discovery, filed July 18, 2019

March 3, 2020
Hampton, South Carolina

Respectfully submitted,



William F. Barnes, III
PETERS, MURDAUGH, PARKER, ELTZROTH, &
DETRICK, P.A.
Post Office Box 457
Hampton, SC 29924
Phone: (803) 943-2111

Brian T. Smith
714 Pettigru Street
Greenville, SC 29601
Phone: (864) 239-2007
Attorneys for Respondent-Appellant Terence Graham

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Robin B. Stilwell, Circuit Court Judge

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SC Court of Appeals

Appellate Case No.: 2019-001506

Ex Parte: Trustgard Insurance Company Appellant-Respondent,

In Re:

Terence Graham, Plaintiff,

-v-

Full Logistics, Inc., Defendant,

Of Whom, Terence Graham, is Respondent-Appellant.

CERTIFICATE OF SERVICE

This is to certify that I, *Megan C. Davis*, with the Law Firm of Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A., Counsel for the Respondent-Appellant, have this date mailed via the U.S. Postal Service with first class postage prepaid, a true and correct copy of *Respondent's Initial Brief of Respondent-Appellant Terence Graham and Designation of Matter for the Record on Appeal* to:

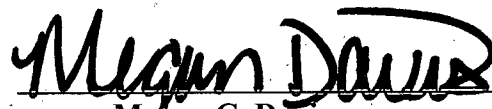
Michael R. Burchstead, Esquire
Collins & Lacy, PC
Post Office Box 12487
Columbia, SC 29211

-And-

Shelley S. Montague, Esquire
Janice Holmes, Esquire
Gallivan, White & Boyd, P.A.
1201 Main Street, Suite 1200
Columbia, SC 29201
Attorneys for Appellant-Respondent

Dorothy H. Hogg, Esquire
Fulcher Hagler, LLP
Post Office Box 1477
Augusta, GA 30903-147
Attorney for Defendant, Full Logistics, Inc.

March 3, 2020
Hampton, South Carolina


Megan C. Davis

LAW OFFICES
PETERS, MURDAUGH, PARKER, ELTZROTH & DETRICK

PROFESSIONAL ASSOCIATION

OVER 100 YEARS OF LEGAL SERVICE-EST. 1910

JOHN E. PARKER
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AUSTIN H. CROSBY
NEIL E. ALGER

RANDOLPH MURDAUGH, SR.
(1887-1940)
RANDOLPH MURDAUGH, JR.
(1915-1998)
J. ROBERT PETERS, JR.
(1927-2008)
J. PAUL DETRICK
(1948-2016)
CLYDE A. ELTZROTH, JR. - RET

March 3, 2020

William F. Barnes, III
Direct Dial: (803) 914-6702
Email: wbarnes@pmped.com
Paralegal: mdavis@pmped.com

The Honorable Jenny Abbott Kitchings
S.C. Court of Appeals Clerk of Court
Post Office Box 11629
Columbia, SC 29211-1629

Re: *Ex. Parte: Trustgard Insurance Company*
Appellate Case No.: 2019-001506

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Dear Ms. Kitchings:

Please find enclosed the original and one copy of the Initial Respondent's Brief of Respondent-Appellant Terence Graham and Designation of Matter to be included in the Record on Appeal in the above-referenced matter. Please file the original and return a clocked copy of each in the envelope provided.

By copy of this letter, the Initial Respondent's Brief of Respondent-Appellant Terence Graham and Designation of Matter are being served on all counsel of record.

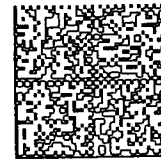
Also, Mr. Graham's name is spelled Terence with only one R instead of two. The notices from the Court regarding the case caption have two Rs. We wanted to make the Court aware and will use one R going forward. If this is an issue please let us know.

With kind regards, I am

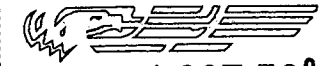
Sincerely,

William F. Barnes, III

WFB/mcd
Enclosures as stated

cc: Michael Reid Burchstead, Esquire
Brian T. Smith, Esquire
Dorothy H. Hogg, Esquire
Shelley S. Montague, Esquire
Janice Holmes, Esquire



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SC Court of Appeals

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TO:

The Honorable Jenny Abbott Kitchings
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Columbia, SC 29211-1629