

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

Kristi F. Curtis, Circuit Court Judge

Case No. 2018-CP-29-00794

Appellate Case No. 2019-001685

NGM Insurance Company,.....Appellant,

v.

Miles Insurance Agency, Inc.....Respondent.

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

Respondent proposes the following to be included in the Record on Appeal:

1. Complaint in *NGM v. Miles*, Civil Action No. 2018-CP-29-00794;
2. Answer in *NGM v. Miles*, Civil Action No. 2018-CP-29-00794;
3. Order entered February 19, 2018 in *Webster v. Miles*, Civil Action No. 2015-CP-29-00810;
4. NGM Tender Letter dated April 6, 2018;
5. Miles Letter dated February 22, 2016;
6. NGM Demand Letter dated December 4, 2019;

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7. Miles Motion for Summary Judgment and Memorandum in Support (including all exhibits) in *NGM v. Miles*, Civil Action No. 2018-CP-29-00794;
8. Transcript of Trial Testimony of Janet Webster in *Webster v. Miles*, Civil Action No. 2015-CP-29-00810, pp. 8, 23, 39;
9. NGM's Cross-Motion for Summary Judgment and Memorandum in Support (including all exhibits) in *NGM v. Miles*, Civil Action No. 2018-CP-29-00794;
10. Transcript of Hearing on Motions for Summary Judgment in *NGM v. Miles*, Civil Action No. 2018-CP-29-00794;
11. Order Denying Summary Judgment dated May 30, 2019 in *NGM v. Miles*, Civil Action No. 2018-CP-29-00794;
12. Miles' Motion to Alter or Amend in *NGM v. Miles*, Civil Action No. 2018-CP-29-00794;
13. Order granting Summary Judgment dated September 9, 2019 in *NGM v. Miles*, Civil Action No. 2018-CP-29-00794;
14. NGM 30(b)(6) Deposition (Brian Brennan) in *Webster v. Miles*, Civil Action No. 2015-CP-29-00810;
15. Webster Insurance Application dated January 5, 2001;
16. 1994 Agency Agreement;
17. Transcript of Janet Webster Deposition p. 4, ll. 5-9; p. 21, ll. 5-15, in *Webster v. Miles*, Civil Action No. 2015-CP-29-00810;
18. Transcript of Richard Miles Deposition p. 4, ll. 14-15; p. 67, l. 7- p. 68 l. 19, in *Webster v. Miles*, Civil Action No. 2015-CP-29-00810;
19. Affidavit of Richard Miles *NGM v. Miles*, Civil Action No. 2018-CP-29-00794.

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

April 22, 2020

Respectfully submitted,

BURR & FORMAN, LLP

A handwritten signature in cursive script, reading "Bernie W. Ellis", is written over a horizontal line.

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Case No. 2018-CP-29-00794

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NGM Insurance Company,.....Appellant,

v.

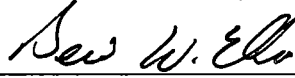
Miles Insurance Agency, Inc.....Respondent.

PROOF OF SERVICE

I certify that I have served the Initial Brief of the Respondent and the Designation of Matter to be included in the Record on Appeal on counsel for the Appellant, NGM Insurance Company by depositing a copy of these documents in the United States Mail, postage prepaid on April 22, 2020, addressed to its attorneys of record, Thomas F. Dougall, Esq. and Michal Kalwajtys, Esq., 1700 Woodcreek Farms Road, Elgin, South Carolina 29045.

April 22, 2020

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April 22, 2020

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

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Re: *NGM Insurance Agency, Inc., Appellant v. Miles Insurance Agency, Inc., Respondent,*
Case No. 2019-001685

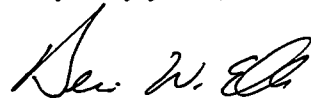
Dear Ms. Kitchings:

Enclosed for filing in the above-referenced case are Respondent's Initial Brief, Designation of Matter to be Included in the Record on Appeal and Proof of Service of the same.

Thank you for your kind attention to these matters.

With kind regards, I am

Very truly yours,

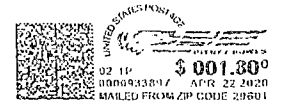


Bernie W. Ellis

BWE

Enclosures

cc: Thomas F. Dougall, Esq.
Michal Kalwajtys, Esq.
Dougall & Collins
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