

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

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM MARLBORO COUNTY
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

Case No. 2017-CP-34-00367

RECEIVED

May 04 2020

SC Court of Appeals

Sharon Thompson,

Appellant,

v.

Sprint Food Store #728,

Respondent.

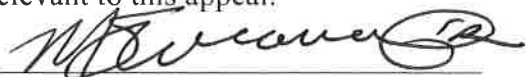
**DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

1. Order Granting Summary Judgment dated May 7, 2019;
2. Deposition of Plaintiff, Sharon Thompson, P. 27; P. 35; P. 41
3. Incident Report of Defendant, Sprint Food Store #728;
4. Surveillance Video from Sprint Food Store

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

May 4, 2020



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PROOF OF SERVICE OF BRIEF OF APPELLANT

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM MARLBORO COUNTY
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

Case No.: 2017-CP-34-00367

Sharon Thompson, Plaintiff, Appellant

v.

Sprint Food Store #728, Defendant, Respondent.

PROOF OF SERVICE

I certify that I have served the Designation of the Matter to Be Included in the Record on Appeal on Kelsey J. Brudvig, Esq., attorney of record for the Respondent, by depositing a copy of it in the United States Mail, postage prepaid on May 4, 2020, addressed as Kelsey J. Brudvig, Esq., Collins & Lacy, P. C., Post Office Box 12487, Columbia, South Carolina 29211.

May 4, 2020



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Attorney for Appellant

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1 A. Okay.

2 Q. When you entered the store the first
3 time, did you observe anything going on in the
4 parking lot --

5 A. No, that was --

6 Q. -- any activity?

7 A. That was a busy night. That was just a
8 busy night, just a lot of people, so I didn't
9 observe nothing that was going on.

10 Q. Do you recall seeing an individual or a
11 company doing some pressure washing of the parking
12 lot?

13 A. I didn't see anything about a company.
14 Nothing like that, just normal people.

15 Q. Okay. Did you see anybody cleaning the
16 parking lot?

17 A. No. I haven't noticed people cleaning
18 because the -- where I was walking in -- there was
19 nobody there, where I was walking at.

20 Q. So you didn't see anybody in the
21 parking lot doing any type of cleaning with water
22 or a hose or anything when you were entering the
23 store?

24 A. No.

25 Q. So you enter the store. You pay for



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1 Carolina 38. Plaintiff slipped and fell in a water
2 trail on the floor due to cleaning of the parking
3 lot, resulting in the plaintiff's injuries.

4 Oh, okay.

5 Q. Does that refresh your memory at all
6 about anything that may have been going on in the
7 parking lot?

8 A. Okay. That's the reason it was wet,
9 the cleaning of the parking lot. I didn't see -- I
10 didn't see a company -- I didn't see company
11 uniforms or nothing like that, that -- to notice if
12 cleaning was going on.

13 Q. I guess my question for you, regardless
14 if it was a company or an individual doing it
15 separately by themselves --

16 A. Right.

17 Q. -- did you notice any pressure washing
18 going on in the --

19 A. I didn't see --

20 Q. -- front of the store?

21 A. Not from where I was walking in. My
22 area that I was going to, there was no machinery
23 right there saying -- nobody was pressure cleaning
24 right there where I was entering the store.

25 Q. Did you notice at all whether the

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A. WILLIAM ROBERTS, JR., & ASSOCIATES (800) 743-DEPO
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1 such as water marks or just droplets of water -- as
2 people are coming in and out of the store?

3 A. Okay.

4 MR. WEAVER: Same objection.

5 BY MS. BRUDVIG:

6 Q. And would you agree with me that a wet
7 or damp floor is probably more slippery than a dry
8 floor?

9 A. Yes.

10 Q: And so if people were walking into the
11 store from the outside -- and you had tested
12 earlier -- or you agreed with me that people can
13 track in water and that then that floor could be
14 slippery?

15 A. Yes.

16 MR. WEAVER: Objection to form.

17 BY MS. BRUDVIG:

18 Q. And I believe you testified earlier
19 that you did not see any wet floor signs?

20 A. No.

21 Q. And is that on either occasion that you
22 came into the store?

23 A. No.

24 Q. So you didn't see any the first time
25 you came in?



Store Incident Report

Property Damage, General Liability, Robbery, Shoplifting, Customer Accident/Injury

In the event of an incident the Store Manager must immediately notify the District Manager or to the VP-Retail Operations so that the proper procedure can be followed. Please complete the information listed below. Be sure all questions are answered to the best of your ability. Provide photos and secure video of the incident and attach additional information including statements from employees or witnesses as appropriate. Submit this form to the Augusta office and Wrens office via fax or email as soon as possible.

Date: 07/28/10 Store#: 728

Date of incident: 07/28/10 Time of incident: 8:45 () AM () PM

Police Notified: () Yes () No Police Case #: _____ County: _____

Type of Incident: () Altercation customers or employee () Water in Fuel
 () Property Damage () Robbery/Burglary () Gas Drive-off (receipt attached)
 () Customer Injury () Shoplifting

Individual Involved in Incident:

Name: Sharon Thompson () Employee () Customer
 Address: 1000 Hamlet Hwy Medical Treatment Offered () Yes () No
 Medical Treatment () Accepted () Denied
 City: Bennettsville State: SC Zip: 29512
 Phone #: 843-256-3411 / 843-4361-4128 (SON'S #) Email: _____
 Insurance Company: _____ Policy #: _____ Phone #: _____

Witnesses:
 Name: Senya Cawker Address: 305 Nelson Street
 Phone #: 843-439-0879 City/State/Zip: Clio, SC 29525
 Name: _____ Address: _____
 Phone #: _____ City/State/Zip: _____

Provide a detailed explanation of the incident. Include exact location in the store or on the property, condition of the area, warning signs posted, time of day, and other specific factual data. If water in gas or car wash claim, indicate if other claims were made. If problems with fuel, attach tank gauge reading and stick tanks for water. If additional space is needed attach separate sheet.

Parking lot was being pressured washed when the lady walked in and fell. she slipped as she was walking in. Wet floor signs were up by the front door, visible when walking in.

Robbery Suspect Description:

Height: _____ Weight: _____ Gender: _____ Race: _____ Hair Color/Length: _____ Eye Color: _____
 Facial Hair: _____ Glasses: () Yes () No Other distinguishing marks: _____
 Vehicle Make: _____ Model: _____ Year: _____ Color: _____
 License Plate: _____ State: _____ # of people in vehicle: _____

Signature of Preparer: Jasha Siena Title: Cashier

Thompson, Sharon

DEF_0006

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May 4, 2020

VIA FACSIMILIE AND EMAIL: ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings

Clerk, South Carolina Court of Appeals

Post Office Box 11629

Columbia, SC 29211

Re: Sharon Thompson vs. Sprint Food Stores #728
Appellate Case No.: 2019-000872

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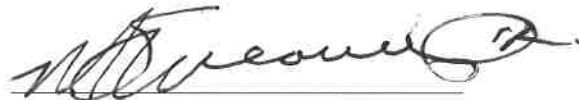
SC Court of Appeals

Dear Ms. Kitchings:

Enclosed please find the following:

1. Initial Reply Brief of Appellant with Proof of Service
2. Designation of Matter to be Included in the Record on Appeal with Proof of Service.

If you have any questions or concerns, please do not hesitate to contact me.



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May 4, 2020

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