

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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May 21 2020

SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas
The Honorable Tyler Desmond Bailey, Special Referee

Appellate Case No. **2019-001850**

Trial Court Case Case No. **2018-CP-32-02997**

Arthur Robert Buskirk.....Respondent,

v.

Jeffri Hergert.....Appellant.

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

Appellants propose the following be included in the Record on Appeal:

1. Summons & Complaint, filed August 30, 2018;
2. Affidavit of Default, filed December 7, 2018;
3. Affidavit of Default and Motion for Entry of Default and Referral and Exhibit 1, filed March 19, 2019;
4. Order of Reference to Special Referee by Lexington County Clerk of Court, filed March 20, 2019;
5. Entry of Default against Defendant by Lexington County Clerk of Court, filed March 20, 2019;
6. Answer by Defendant, filed June 19, 2019;
7. Motion for Relief from Entry of Default, June 19, 2019;
8. Order of Default Judgment Against Defendant Jeffri Hergert, filed June 21, 2019;
9. Jeffri Hergert's Motion to Reconsider Order of Default Judgment and Exhibit 1, filed July 1, 2019;
10. Plaintiff's Memorandum in Opposition to Defendant's Motions (1) for Relief from Entry of Default and (2) to Reconsider Order of Default Judgment, filed September 9, 2019;
11. Jeffri Hergert's Memorandum Supporting and Supplementing Motion for Relief from Default and Motion for Reconsideration, filed September 11, 2019;
12. Exhibit 1 from Jeffri Hergert's Memorandum Supporting and Supplementing Motion for

- Relief from Default and Motion for Reconsideration, filed September 11, 2019;
13. Exhibit 2 from Jeffri Hergert's Memorandum Supporting and Supplementing Motion for Relief from Default and Motion for Reconsideration, filed September 11, 2019;
 14. Exhibit 3 from Jeffri Hergert's Memorandum Supporting and Supplementing Motion for Relief from Default and Motion for Reconsideration, filed September 11, 2019;
 15. Affidavit of Pamela Newman Bogdanoff, filed September 17, 2019;
 16. Form 4 Order Denying Defendant's Motion to Reconsider Order of Default Judgment and Motion to Set Aside Default Judgment, filed October 7, 2019;
 17. Transcript from May 21, 2019 Hearing before the Honorable Tyler Bailey, Special Referee;
 18. Transcript and Exhibits from September 18, 2019 Hearing before the Honorable Tyler Bailey, Special Referee.
 19. December 9, 2019 Email from The Honorable Tyler D. Bailey.
 20. Plaintiff's Medical Index

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

May 21, 2020

s/Brandon R. Gottschall
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THE STATE OF SOUTH CAROLINA
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APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas
Tyler Bailey, Esq., Special Referee

Civil Action No. 2018-CP-32-02997

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SC Court of Appeals

Arthur Robert Buskirk..... Respondent,

v.

Jeffri Hergert..... Appellant,

PROOF OF SERVICE

I certify that I have served a copy of Appellant’s Designation of Matter to be Included in the Record on Appeal, via email and by depositing a copy of the same in the United States Mail, Postage Prepaid, on May 21, 2020, addressed to Arthur Robert Buskirk’s Counsel of record referenced below.

May 21, 2020

s/Brandon R. Gottschall
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SWEENY WINGATE & BARROW P.A.

May 21, 2020

Reply to: Main Office

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VIA ELECTRONIC FILING

South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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May 21 2020

SC Court of Appeals

RE: Arthur Robert Buskirk v. Jeffri Hergert
Civil Action No.: 2018CP3202997
Claim No.: 1228138
Our File: 5558-12241

To Whom it May Concern:

Enclosed please find the Initial Brief of Appellant Jeffri Hergert, the Designation of Matter to be Included in the Record on Appeal, as well as Proofs of Service for each in connection with the above-referenced matter, which I am hereby filing electronically.

By copy of this letter to opposing counsel, I am serving them with same.

Thank you for your assistance, and should you have any questions, please do not hesitate to contact me.

Yours truly,

SWEENY, WINGATE & BARROW, P.A.

s/Brandon R. Gottschall

Brandon R. Gottschall

BRG/mha
Enclosures

cc: All counsel of record