

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
2018-CP-40-02545

Clifton Newman, Circuit Court Judge

Appellate Case No.: 2020-000067

RECEIVED
MAY 19 2020
SC Court of Appeals

Dr. Kaoru Pridgen Appellant,

v.

Colonial Family Practice, LLC; Varsity Family Care Partners, LLC; Family Care Partners d/b/a Family Care Partners Management, LLC; Dr. Clay Lowder; Thomas W. Watson; and Dr. Gary R. Katz, Respondents.

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

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

1. Complaint filed on May 9, 2018.
2. Motion to Dismiss by Defendant Gary R. Katz filed on July 16, 2018.
3. Answer of Defendants Varsity Healthcare Partners d/b/a Varsity Healthcare Partners UGP II, LLC, Varsity Healthcare Partners GP II, LP, Varsity Healthcare Partners II, LP, and Varsity Healthcare Partners II-A, LP filed on July 20, 2018.
4. Answer of Defendants Colonial Family Practice, LLC, Family Care Partners Management, LLC, Dr. Clay Lowder, and Thomas W. Watson filed on July 20, 2018
5. Defendants' Joint Motion for Case Assignment to the Business Court Program filed on September 28, 2018.
6. Consent Confidentiality Order filed on November 5, 2018.

7. Order Transferring Case to Business Court filed on November 13, 2018.
8. Notice of ADR filed on January 29, 2019.
9. Proof of ADR filed on February 21, 2019.
10. Motion for Summary Judgment by Defendants Varsity Healthcare Partners d/b/a Varsity Healthcare Partners UGP II, LLC, Varsity Healthcare Partners GP II, LP, Varsity Healthcare Partners II, LP, and Varsity Healthcare Partners II-A, LP and exhibits 1-2 filed on February 26, 2019.
11. Stipulation of Dismissal without Prejudice as to Specific Defendants filed on March 14, 2019.
12. Amended Summons and Amended Complaint filed on March 14, 2019.
13. Motion to Dismiss of Dr. Gary R. Katz filed on March 25, 2019.
14. Answer of Defendants Colonial Family Practice, LLC, Family Care Partners d/b/a Family Care Partners Management, LLC, Dr. Clay Lowder, and Thomas W. Watson filed on March 29, 2019.
15. Answer of Defendant Varsity Family Care Partners, LLC filed on April 15, 2019.
16. Stipulation of Partial Dismissal of Two Claims Against Dr. Gary R. Katz filed on May 29, 2019.
17. Motion for Partial Summary Judgment of Defendants Colonial Family Practice, LLC, Family Care Partners d/b/a Family Care Partners Management, LLC, Dr. Clay Lowder, and Thomas Watson and Exhibits 1-4 filed on July 16, 2019.
18. Supplemental Memorandum of Support of Defendants Colonial Family Practice, LLC, Family Care Partners d/b/a Family Care Partners Management, LLC, Dr. Clay Lowder, and Thomas W. Watson's Motion for Partial Summary Judgment and exhibit 1 filed on August 27, 2019.
19. Memorandum in Support of Motion to Dismiss of Defendant Gary R. Katz filed on August 28, 2019.
20. Plaintiff's Memorandum in Opposition to Defendant Gary R. Katz's Motion to Dismiss filed on August 29, 2019.
21. Motion for Summary Judgment by Defendant Varsity Family Care Partners, LLC and exhibits 1-8 filed on August 30, 2019.
22. Gary R. Katz's Motion for Summary Judgment filed on December 3, 2019.

23. Gary R. Katz's Memorandum in Support of his Motion for Summary Judgment with exhibits A-G filed on December 3, 2019.
24. Plaintiff's Memorandum in Opposition to Defendants Colonial Family Practice, LLC, Family Care Partners d/b/a Family Care Partners Management, LLC, Dr. Clay Lowder, and Thomas W. Watson's Motion for Partial Summary Judgment filed on December 3, 2019.
25. Plaintiff's Memorandum in Opposition to Defendant Varsity Family Care Partners, LLC's Motion for Summary Judgment filed on December 3, 2019.
26. Plaintiff's Exhibits in Support of the Memoranda in Opposition to the Summary Judgment Motions submitted to the Court *in camera* on December 6, 2019:
 - a. Dr. Pridgen Deposition Transcript
 - b. Watson Deposition Transcript
 - c. Dr. Lowder Deposition Transcript
 - d. Dr. Katz Deposition Transcript
 - e. Dr. Soto Deposition Transcript
 - f. Lara Deposition Transcript
 - g. Bates 002013-002094 (Investment Package Katz)
 - h. Bate 002095-002175 (Investment Package Baker)
 - i. Bates 002195-002213 (Dr. Baker Amendment 9_28_16)
 - j. Colonial 000160-175 – written agreement
 - k. Colonial 00477-00499
 - l. Colonial 00644-00902 (Management Services Agreement)
 - m. Colonial 000903-001021 (Dr. Baker)
 - n. Colonial 003455-003469 (Visit Count)
 - o. Colonial 003536-003590 (Board Minutes)
 - p. Colonial 004402-004483 (Acquisition Agreement)
 - q. Colonial 004484-004494 (Membership Interest Control Agreement)

- r. Depo Exhibit Tom Watson Texts re Partnership
 - s. Mr. Watson and Dr. Pridgen Conversation Recording on July 16, 2016
 - t. Varsity Biography Posting
 - u. Offer to Dr. Gary Katz
 - v. Partnership memo (April 25, 2016)
 - w. Plf's 4th Supp Discovery Responses to CFP
 - x. Pridgen 0013
 - y. Pridgen 48-51
 - z. Pridgen 59-560
 - aa. Pridgen 202-209 – Texts with Lowder
 - bb. Pridgen 559-560 – Watson LinkedIn Profile
 - cc. Pridgen 559-569
 - dd. Pridgen 606
 - ee. Varsity 00001-00061
 - ff. Varsity 00029-00033
 - gg. Varsity 00039-00059
 - hh. Watson 000001-000078 (Watson e-mails)
27. Memorandum in Support of Motion to Dismiss of Defendant Gary R. Katz filed on December 5, 2019.
28. Reply in Support of Motion for Summary Judgment by Defendant Varsity Family Care Partners, LLC and exhibits 1-4 filed on December 5, 2019.
29. Defendant Thomas W. Watson's Motion for Summary Judgment and exhibits 1-6 (submitted *in camera*) filed on December 6, 2019.
30. Second Motion for Summary Judgment by Defendant Varsity Family Care Partners, LLC filed on December 6, 2019.

31. Defendant Family Care Partners Management, LLC's Motion for Summary Judgment and exhibits 1-5 filed on December 6, 2019.
32. Defendant Clayton R. Lowder's Motion for Summary Judgment and exhibits 1-9 filed on December 6, 2019.
33. Defendant Colonial Family Practice, LLC's Motion for Summary Judgment and exhibits 1-18 filed on December 6, 2019.
34. Plaintiff's Memorandum in Opposition to Defendant Gary R. Katz's Motion for Summary Judgment filed on December 17, 2019.
35. Plaintiff's Amended Memorandum in Opposition to Defendant Gary R. Katz's Motion for Summary Judgment filed on December 19, 2019.
36. Order Granting Colonial Defendants' Motion for Partial Summary Judgment filed on December 20, 2019.
37. Order Granting Motion for Summary Judgment by Defendant Varsity Family Care Partners, LLC filed on December 20, 2019.
38. Plaintiff's Motion to Stay the Case filed on January 16, 2020.
39. Notice of Appeal and exhibits 1-2 filed on January 17, 2020.
40. Defendants Colonial Family Practice, LLC, Family Care Partners d/b/a Family Care Partners Management, LLC, Dr. Clay Lowder, and Thomas W. Watson's Memorandum in Opposition to Plaintiff's Motion to Stay the Case filed on January 30, 2020.
41. Defendant Gary R. Katz's Response to Plaintiff's Motion to Stay the Case filed on February 19, 2020.
42. Order Granting Motion of Defendant Gary R. Katz's Motion for Summary Judgment filed on February 25, 2020.

CROMER BABB PORTER & HICKS, LLC

BY: 

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Columbia, South Carolina
May 18, 2020

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Katz, Respondents.

CERTIFICATION OF COUNSEL

I hereby certify, as counsel of record in the above-captioned case, that the Designation
submitted herewith contains no matter which is irrelevant to the appeal as required by Rule 209(c),
SCACR.

CROMER BABB PORTER & HICKS, LLC

BY: _____

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Shannon M. Polvi (#101837)

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Phone 803-799-9530

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Attorneys for Appellant

Columbia, South Carolina

May 18, 2020

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PROOF OF SERVICE

I certify that I, the undersigned employee of Cromer Babb Porter & Hicks, LLC, caused to have served Appellant's Initial Brief, Appellant's Designation of Matter to be Included in the Record on Appeal, and Appellant's Certification of Counsel on counsel for Respondents by delivering a copy via electronic mail and U.S. mail on May 18, 2020, addressed to the following:

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Attorneys and Counselors at Law

J. Lewis Cromer * Julius W. Babb, IV * J. Paul Porter * Ryan K. Hicks
Shannon M. Polvi * Samantha E. Albrecht * Elizabeth M. Bowen * Elizabeth S. Millender

May 18, 2020

Via U.S. Mail

Hon. Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: **Dr. Kaoru Pridgen v. Colonial Family Practice, et al**
Appellate Case No.: 2020-000067

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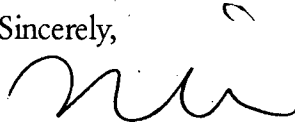
Dear Ms. Kitchings:

Enclosed for filing please find the original and one copy of: Appellant's Initial Brief, Appellant's Designation of Matter to be Included in the Record on Appeal, Appellant's Certification of Counsel, and a Proof of Service. Please file the originals and return the filed copy to us in the self-addressed, stamped envelope enclosed for your convenience.

Please do not hesitate to contact me should you have any questions.

With highest regards, I am

Sincerely,

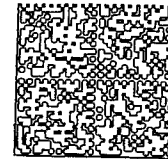


Kate M. Hesik
Litigation Paralegal

/kmh
Enclosures

Cc: Lyndey Bryant, Esquire
Jeffrey Lehrer, Esquire
Jennifer Dunlap, Esquire
Client

PRIORITY MAIL
LEGAL
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