

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Bentley D. Price
Circuit Court Judge

Case No. 2017-CP-10-02758
Appellate Case No. 2019-001716

RECEIVED
Jun 29 2020
SC Court of Appeals

Jeane Whitfield, Appellant,

v.

Dennis K. Shimpf, M.D. and Sweetgrass Plastic Surgery, LLC,

and

Patrick O'Neil, M.D. and O'Neil Plastic Surgery, Respondents.

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

Pursuant to Rule 209, SCACR, Appellant Jeane Whitfield designates the following material for inclusion in the record on appeal. Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to this appeal.

Orders

1. Form 4 Order Denying Defendants' Motion for a Protective Order & Seal, filed January 16, 2019.
2. Order for Physical and Mental Examination of Plaintiff, Pursuant to Rule 35, SCRCR, filed March 28, 2019.
3. Order Denying Plaintiff's Rule 59(e) Motion to Alter or Amend, filed June 11, 2019

4. Order Granting Non-Party O'Neill Plastic Surgery's Motion to Compel Compensation, filed November 7, 2019.
5. Order Granting Defendant's Motion for costs, filed December 11, 2019

Judgments

6. Form 4, Judgment in a Civil Case, filed September 11, 2019
7. Verdict Form, filed September 11, 2019

Pleadings

8. Summons and Amended Complaint, filed May 30, 2017
9. Defendant's Amended Answer to Plaintiff's Amended Complaint, filed October 4, 2017.

Motions, Supporting Memoranda, and Other Filings

10. Defendants' Notice of Motion and Order for Protective Order and Motion to Seal, filed October, 1, 2018
11. Defendants' Notice of Motion and Protective Order and Motion to Seal, filed October 24, 2018.
12. Defendants' Rule 35 Motion for Physical and Mental Examination of Plaintiff, filed December 14, 2018.
13. Defendants' Memorandum of Law in Support of Defendants' Motion for Physical and Mental Examination of Plaintiff, Filed February 27, 2019.
14. Plaintiff's Memorandum in Opposition to Defendants' Motion for Physical and Mental Examination of Plaintiff, filed February 27, 2019
15. Plaintiff's Motion to Alter or Amend Court's Order Filed March 28, 2019 Pursuant to Rule 59(e), filed April 3, 2019.

16. Plaintiff's Motion in Limine Regarding Defense Examinations of Plaintiff, Filed July 17, 2019.
17. Defendant's Motion in Limine to Exclude Certain Inadmissible Evidence, filed August 26, 2019.
18. Defendant's Motion for Costs, filed September 16, 2019.
19. Notice of Motion and Motion to Compel Compensation to Non-Party Witness Patrick O'Neil, MD, Filed August 27, 2019.

Transcripts

20. Trial Transcript of Record (Unsealed), Hon. Bentley Price, August 26, 2019 to August 30, 2019.
21. Hearing Transcript of Record, Hon. Bentley Price, October 28, 2019.
22. Hearing Transcript of Record, Hon. Alex Kinlaw, Jr., February, 27, 2019
23. Deposition of Vickie Tolbert, February 11, 2019.

Exhibits

24. Plaintiff's Exhibit No. 1 – Photo – 5 pgs.
25. Plaintiff's Exhibit No. 2 – Proposal
26. Plaintiff's Exhibit No. 4 – Post-op Instruction
27. Plaintiff's Exhibit No. 6 -- Photo
28. Plaintiff's Exhibit No. 7 – Photo
29. Plaintiff's Exhibit No. 9 – Photo
30. Plaintiff's Exhibit No. 10 – Photo
31. Plaintiff's Exhibit No. 11 – Photo
32. Plaintiff's Exhibit No. 14s -- Photo Board

33. Plaintiff Exhibit No. 15 – Photo Board
34. Plaintiff's Exhibit No. 16 – Photo Board
35. Plaintiff Exhibit No. 18s – Photo
36. Plaintiff's Exhibit No. 19s – Photo
37. Plaintiff's Exhibit No. 20s – Photo
38. Plaintiff's Exhibit No. 21s – Photo
39. Plaintiff's Exhibit No. 23 – Medical Bills
40. Plaintiff's Exhibit No. 29 – DHEC Regulations
41. Plaintiff's Exhibit No.34 – Medical Records
42. Court's Exhibit No. 5 – Transcript, 2/11/19, Tolbert

Other Materials or Documents

43. Pre-trial Email from Dan Slotchiver to Todd Smyth, Subject: Whitfield,
re: Rule 35, SRCP IMEs and Motion to Exclude, sent June 21, 2019.

Respectfully submitted,

s/Jesse Sanchez
Jesse Sanchez
The Law Office of Jesse Sanchez, LLC
98 ½ Broad Street, Suit B
Charleston, South Carolina 29401
(843) 814-8181

Attorney for Appellant

June 29, 2020
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
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PROOF OF SERVICE

I, the undersigned, certify that I have served *Appellant's Initial Brief*, *Appellant's Designation of Matter to be Included in the Record on Appeal*, and *Appellant's Motion to File Initial Brief and Designation of Matter Out of Time* on Respondents Dennis K. Shimpf, M.D. and Sweetgrass Plastic Surgery, LLC, by emailing a copy on June 29, 2020, addressed to their attorneys of record at the following email addresses: Todd Smyth, Esq. (tsmyth@smythwhitley.com), Joshua S. Whitley, Esq., (jwhitley@smythwhitley.com), Kevin Horton, Esq., (khorton@smythwhitley.com).

I have also served this same these same documents on Respondents Patrick O'Neill, M.D. and O'Neill Plastic Surgery, on this same date and in the same manner as described above, addressed to their attorneys of record at the following address: Barbara W. Showers, Esq.

(bwshowers@gmail.com), Maryrose L. Pritchard, Esq. (maryrose.pritchard@hoodlaw.com), Julia A. Bradshaw, Esq. (julia.bradshaw@hoodlaw.com), John O. Radeck, Jr., Esq. (john.radeck@hoodlaw.com).

Pursuant to the March 20, 2020 Order of the Supreme Court, a copy of the aforementioned email correspondence is attached.

Respectfully submitted,

THE LAW OFFICE OF JESSE SANCHEZ, LLC

s/Jesse Sanchez
Jesse Sanchez (SC Bar No. 101906)
The Law Office of Jesse Sanchez, LLC
98 ½ Broad Street, Suite B
Charleston, South Carolina 29401
(843) 814-8181 Telephone
(843) 284-3953 Fax
jesse@jessesanchezlaw.com

Charleston, South Carolina
June 29, 2020

From: Jesse Sanchez jesse@jessesanchezlaw.com

Subject: Jeane Whitfield, Appellant v. Dennis K. Shimpf, M.D. and Sweetgrass Plastic Surgery, LLC, Case No. 2017-CP-10-2758

Date: June 29, 2020 at 12:37 PM

To: Todd Smyth tsmyth@smythwhitley.com, jwhitley@smythwhitley.com, khorton@smythwhitley.com, bwshowers@gmail.com, maryrose.pritchard@hoodlaw.com, julia.bradshaw@hoodlaw.com, john.radeck@hoodlaw.com

Cc: Dan dan@slotchiverlaw.com, Brent Halversen Brent@halversenlaw.com, Andrew J. McCumber andrew@slotchiverlaw.com, Susan Maulden paralegal@slotchiverlaw.com

JS

Counsel,

Attached for service, please find the attached Cover Letter, Motion, Initial Brief, and Designation of Matter, which are being filed momentarily with the Court of Appeals via OneDrive electronic submission.

Regards,

Jesse

--

Jesse Sanchez

The Law Office of Jesse Sanchez, LLC

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SC Court of Appeals

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June 29, 2020

VIA ONEDRIVE ELECTRONIC SUBMISSION

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



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Jun 29 2020

SC Court of Appeals

RE: Jeane Whitfield, Appellant v. Dennis K. Shimpf, M.D. and Sweetgrass Plastic Surgery, LLC, and Patrick O'Neil, M.D. and O'Neil Plastic Surgery, Respondents, Appellate Case No. 2019-001716

Dear Ms. Kitchings:

Enclosed herewith for filing, please find the following for filing:

1. *Appellant's Initial Brief,*
2. *Appellant's Designation of Matter to be Included in the Record on Appeal,*
3. *Appellant's Motion to File Initial Brief and Designation of Matter Out of Time,*
4. *Proof of Service* for all of the above.

Pursuant to paragraph C(5) of the Amended Order of the South Carolina Supreme Court, dated 05/29/20, re: Operation of the Appellate Court During Coronavirus Emergency, a check for the \$50 motion filing fee has been deposited in today's outgoing mail.

Thank you for your assistance with this matter. Should you have any questions or wish to discuss this submission, please do not hesitate to contact me directly at 843-814-8181.

Sincerely,

s/Jesse Sanchez

Enclosures (as stated)

Cc: Daniel S. Slotchiver, Esquire
Andrew J. McCumber, Esquire
Brent S. Halversen, Esquire

THE LAW OFFICE OF JESSE SANCHEZ, LLC

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Joshua S. Whitley, Esquire
Kevin Horton, Esquire
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Maryrose L. Pritchard, Esquire
Julia A. Bradshaw, Esquire
John O. Radeck, Jr., Esquire