

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Case No. 2019-001716
Lower Court Case No. 2017-CP-10-2758

RECEIVED

Aug 31 2020

SC Court of Appeals

Jeane Whitfield,

Appellant,

v.

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

Respondents.

**RESPONDENTS' DESIGNATION OF MATTER FOR
INCLUSION IN THE RECORD ON APPEAL**

Todd W. Smyth (SC Bar No. 5380)
Kevin R. Horton (SC Bar No. 101250)
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Attorneys for Respondents

Pursuant to Rule 209, SCACR, Respondents hereby designate the following materials to be included in the Record on Appeal in this matter in connection with Respondents' Brief. Unless otherwise expressly stated, each item designated is to include all attachments or exhibits to the original of the referenced item. Respondents intend to designate each and every item from the record that is cited in its Initial Brief in this matter and specifically reserve the right to seek supplementation of the record pursuant to Rules 209 and 212, SCACR.

Respondents hereby designate the following matters, papers, and evidence for inclusion in the Record on Appeal:

Pleadings, Motions, Orders and Other Related Matters

1. Appellant's Initial Complaint.
2. Respondents' Answer to Appellant's Amended Complaint.
3. Appellant's First Supplemental Answers to Interrogatories, pages 1-4 (9/10/2018).
4. Respondents' Motion for Protective Order (9/27/2018).
5. Respondents' Motion for Protective Order (10/22/2018).
6. Order Denying Respondents' Motions for Protective Orders (1/16/2019).
7. Respondents' Motion for Rule 35 Examination (2/14/2018).
8. Respondents' Memorandum of Law in Support of Motion for Rule 35 Examination (2/27/2019).
9. Transcript of Hearing regarding Respondent's Motion for Rule 35 Examination, pages 1-16 (2/27/2019).
10. Order Granting Motion for Rule 35 Examination (3/38/2019).
11. Order Denying Appellant's Motion to Reconsider (6/11/2019).

12. Respondents' Offer of Judgment (7/23/2019).
13. Respondents' Motion to Remove Deposition Transcripts and / or to Seal (8/22/2019).
14. Order to Remove Deposition Transcripts (8/27/2019).
15. Verdict Form (8/30/2019).
16. Form 4 Judgment (9/11/2019).
17. Respondents' Motion for Costs (9/16/2019).
18. Notice of Appeal (10/8/2019).
19. Order Granting Respondents' Motion for Costs In Part (12/11/2019).

Trial Transcripts

20. *De Bene Esse* Deposition of Dr. Ram Kalus (pp. | ll.): 10:23-23; 29:9-12; 52:10-23; and 63:1 – 133:16.
21. Trial Transcript (pp. | ll.): 22-23; 25:5-6; 27:14 – 28:7; 31:16; 42:15 – 44:25; 46:17 – 51:3; 82:20 – 84:6, 9-25; 85: 9-10, 15-21; 90:18-20; 119:18 – 120:15, 18-24; 121:25 – 122:4; 124:3 – 125:8, 14-15, 19-22; 126:2 – 15; 175:22-23; 190 – 191; 209 – 213:6; 219 – 221; 226:3-17; 230:4-8; 235:14 – 240:14; 246:25 – 248:11; 251:5-8; 252:18-19; 267:3; 290:10; 29 – 294:9; 299:6 – 301:10; 302:25 – 303:1; 308:21 – 309:1; 311:8-12; 316:5-8; 327; 330; 337 – 340; 342; 343; 359:21-2; 362; 363:16-21; 364 – 366; 367:18 – 372:21; 479; 490; 483:4 – 484:13; 495:21 – 496:2; 496:8 – p. 497:4, 7; 502:4-8; 530:23 – 531:2; 548 – 551; 556:18 – 570:21; 576:16 – 579:4, 14-15; 638:22 – 640:7; 662:16 – 663:1-19; 672 – 673; 674:5-9; 678:14 – 682:4; 679:23 – 680:11; 681:14 – 683:7; 685:19-20; 686:18-24; 694; 701:2 –

702:24; 769 – 779; 781:16 – 782:25; 786:21 – 790:15; 800:13 – 803:24; 834
– 835; 839; 841:10-24; 872: 11-16; 872:19 – 879:24; 881:24 – 888:9;
920:22-24; 940:15 – 942:20; 985:13-14; and 1076:13-19.

Evidence and Trial Exhibits

22. Appellant’s Exhibit Nos. 2, 23, 25, 28, and 35.
23. Respondents’ Exhibit Nos. 2-9, 11-15, 17, 18, 24-32, 35, 36, 39, 41-43.
24. Respondents’ Exhibit No. 4 to Dr. Kalus’ *De Bene Esse* Deposition.

Respondents certify, pursuant to Rule 209(c), SCACR, that the designations set forth above are relevant to the appeal in this matter, and that it has not designated any matter that is irrelevant to the issues before the Court.

Respectfully submitted,

s/Kevin R. Horton

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PROOF OF SERVICE

I certify that I have served a copy of Respondents' Designation of Matter by electronic submission to OneDrive and by email to counsel of record on August 31, 2020, addressed to the attorneys of record.

s/Kevin R. Horton

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