

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Appellate Case No. 2020-000501

RECEIVED

Nov 13 2020

SC Court of Appeals

Vermell Daniels, as Personal Representative of the Estate of Annie Porter,.....Respondent,

v.

THI of South Carolina at Columbia, LLC d/b/a Midlands Health & Rehabilitation Center,.....Appellant.

RESPONDENT’S DESIGNATION OF MATTER FOR THE RECORD ON APPEAL

Respondent Vermell Daniels, as Personal Representative of the Estate of Annie Porter, designates the following to be included in the Record on Appeal with all necessary redactions pursuant to Supreme Court Order 2014-04-15-02:

1. Notice of Appeal, filed March 18, 2020
2. Order denying motion to dismiss and compel arbitration, filed November 6, 2019
3. Order denying motion to alter or amend, filed February 24, 2020
4. Complaint, filed April 25, 2019
 - a. Exhibit A – Affidavit of Alyssa Goldstein, RN
5. Defendant’s Motion to Dismiss Plaintiff’s Complaint, Compel Arbitration and Stay State Court Proceedings, filed June 5, 2019
 - a. Exh. A – Arbitration Agreement
6. Defendant’s Memorandum in Support of Motion to Dismiss, Compel Arbitration, and Stay Court Proceedings, filed August 23, 2019

- a. Exh. 1 – Admission Agreement
- b. Exh. 2 – Arbitration Agreement
7. Plaintiff’s Memorandum in Opposition to Defendant’s Motion to Dismiss and Compel Arbitration, filed August 23, 2019
 - a. Affidavit of Vermell Daniels
8. Defendant’s Motion to Alter, Amend, and/or Reconsider, filed November 18, 2019
9. Plaintiff’s Response to Defendant’s Motion to Alter, Amend, and/or Reconsider, filed December 2, 2019
10. Transcript of hearing on August 26, 2019, all pages
11. Transcript of hearing on February 13, 2020, all pages

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

Respectfully submitted,

November 13, 2020

s/Bradley H. Banyas

Bradley H. Banyas
HUGHEY LAW FIRM, LLC
D. Nathan Hughey (SC Bar No. 68409)
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Attorneys for Respondent

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PROOF OF SERVICE

The undersigned certifies that a copy of *Initial Brief of Respondent* and *Designation of Matter for the Record on Appeal* have been served upon counsel for Appellant via electronic mail at the email address as stated in the Attorney Information System and as set forth below this 13th day of November, 2020.

Stephen L. Brown, Esquire
D. Jay Davis, Jr., Esquire
Russell G. Hines, Esquire
Kate C. Mettler, Esquire
Gaillard T. Dotterer, III, Esquire

November 13, 2020

s/Bradley H. Banyas
Bradley H. Banyas (SC Bar No. 101668)



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Bradley H. Banyas
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November 13, 2020

Via Electronic Submission

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211
ctappfilings@sccourts.org

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Nov 13 2020

SC Court of Appeals

Re: Vermell Daniels as Personal Representative of the Estate of Annie Porter v. THI of South Carolina at Columbia, LLC d/b/a Midlands Health & Rehabilitation Center and Matt Stanley
Appellate Case No.: 2020-000501

Dear Ms. Kitchings:

Attached for electronic filing and service pursuant to section (c)(6) of Supreme Court Order 2020-05-29-02 *RE: Operation of the Appellate Courts During the Coronavirus Emergency*, please find the following:

1. *Initial Brief of Respondent,*
2. *Respondent's Designation of Matter for the Record on Appeal, and*
3. *Proof of Service.*

Please file the documents and return one file-stamped copy to me via email. By electronic copy of this letter, I am serving all counsel of record with a copy of the same.

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

With kind regards,

Yours truly,

Bradley H. Banyas

CC: Stephen L. Brown (via electronic mail)
D. Jay Davis, Jr. (via electronic mail)
Russell G. Hines (via electronic mail)
Kate C. Mettler (via electronic mail)
Gaillard T. Dotterer, III (via electronic mail)