

THE STATE OF SOUTH  
CAROLINA

In The Court of Appeals

**RECEIVED**

**Feb 06 2021**

**SC Court of Appeals**

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APPEAL FROM RICHLAND COUNTY

Court of Common Pleas  
Judge Robert Hood, Fifth Circuit

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Case # 2020-CP-400-3810

Appellate # 2020-001708

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Penn America Insurance Company and )  
Global Indemnity Group, LLC, )  
Plaintiffs/Counter-Defendants (PAGI) )  
)  
v. )  
)  
Morris Beach Hutson a/k/a M.B. Hutson, )  
Defendant/Counter-Plaintiff, )  
)  
AND )  
)  
Morris Beach Hutson a/k/a M. B. Hutson, )  
Third Party Plaintiff, )  
)  
v. )  
)  
)  
Penn America Ins. Co. & Global )  
Indemnity Group, LLC, Timothy J. )  
Newton, Esq. of Murphy & Grantland, )  
P.C.; & Christian Stegmaier, Esq. of )  
Collins & Lacy P.A., )  
Third Party Defendants, )  
)  
of whom Morris Hutson is the Appellant, )  
)  
)  
and Penn America Ins. Co. & Global )  
Indemnity Group, LLC, Timothy J. )  
Newton, Esq., of Murphy Grantland, P.C., )  
& Christian Stegmaier, Esq. of Collins & )  
Lacy P.A., are the )  
Respondents.

DESIGNATION  
OF  
MATTER

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

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

Filed	TITLE OF DOCUMENT
1. 10/29/20	ORDER – Hood’s Order responding to Hutson’s Questions
2. 12/09/20	ORDER – Granting 3 <sup>rd</sup> Party Def.s TJN and Murphy & Grantland, P.A.’s MOTION TO DISMISS, or in the alternative, motion for Summary Judgment (10 pp)
3. 12/09/20	ORDER – Denying Third-Party Plaintiff’s Motion for Temporary Injunction (3 pp)
4. 12/09/20	ORDER – Granting Plaintiffs PAIG, Stegmaier and Collins & Lacy P.C.’s Motions to Strike (6 pp)
5. 12/09/20	ORDER -- Granting Plaintiffs PAIG’s Motion for Temporary Injunction
6.	TRANSCRIPT OF PROCEEDINGS – Under Objection Due to Significant Discrepancies
7. 8/10/20	Complaint
8. 8/10/20	Answer: Motion & Motion for Temporary Injunction with Exh.A –V
9. 8/17/20	Def. Hutson’s Cross Complaint w/ Notice of Motion & Motion for Temporary Injunction (Rule 65M SCRPC) with Attached documents: --“A” Rules and Laws
10. 8/17/20	-- <u>Appellant Hutson’s Response</u> to (Penn America, et. al.) RESPONDENTS’ INITIAL BRIEF
11. 8/17/20	<u>Appellant Hutson’s Response</u> to Respondents’ (Penn America , et. al.’s) RESPONDENT’S Motion for and Memorandum in Support of Imposition of Sanctions Against Appellant Filed on July 24, 2020, with Attached documents: “#3”- Tim Newton Esq.’s email of Monday, 8/13/2018 ; “#4”- AFFIDAVIT of Mark W. Hardee, Esq. ;
12. 8/26/20	Defendant’s Hutson’s Amended Cross Complaint with Notice of Motion <i>and Motion for Temporary and Permanent Injunction (Rule 65M SCRPC); Jury Trial Demanded</i> with Attached documents: “A” – Rules and Laws, p. 11

inserted and attached; and “4” -- Mark W. Hardee, Esq. Affidavit.

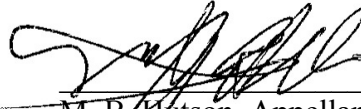
13. 9/15/20 3<sup>rd</sup> Party Def’s. Timothy J. Newton and Murphy & Grantland PA.’S *Motion to Dismiss, or, in the Alternative, Motion for Summary Judgment.* (10 pp)
14. 9/16/20. Resp’s PAGI, C. Stegmaier, & Collins & Lacy’s “*Motion to Stay, or in the Alternative Strike, or in the Alternative dismiss*” (Hutson’s)” *Amended Counterclaims and 3<sup>rd</sup> Party Claims and Motion for Temporary and Permanent Injunction.*” (10 pp.)
15. 9/15/20 Def./Appellant Hutson’s *Memorandum to Defendant’s Amended Cross Complaint Jury Trial Demanded* (5 pp.)
16. 9/16/20 Notice of Extrinsic Fraud with following page(s)
17. 9/25/20 Documents copied to Gov.; Atty. Gen.; Comm. On Lawyer Conduct; Commission on Judicial Conduct; Office on Disciplinary Counsel; SLED; Supreme Court (Emailed into record without header) (pp.5)
18. 9/28/20 Resp’s PAGI’s Letter to McBride requesting Hearing on “earliest date possible.” (1 p)
19. 9/28/20 Resp’s PAGI, Stegmaier & Collins & Caly P.C.’s MOTION to strike defendant’s “Notice of Extrinsic Fraud” and “Memorandum to Defendant’s Amended Cross Complaint” and Request for Sanctions and Memorandum in Support (9 pp) w/ Exhibits A, B, & C
20. 9/28/20 Resp. PAGI, et. al.’s Motion to Strike Portions of Defendant’s “Answer” and Request for Sanctions (8pp. plus Exhibits)
21. 9/30/20 Resp. PAGI, et. al.’s Amended Motion to Strike Defendant’s “Notice of Extrinsic Fraud” and “Memorandum to Defendant’s Amended Cross Complaint” and Request for Sanctions & Memorandum in Support. w/Exhibits
22. 10/01/20 Defendant Hutson’s “Addendum Response to Plaintiffs’ Motion to Stay, or Strike, or Dismiss Defendant’s Amended Counterclaims & 3<sup>rd</sup> Party Claims & Motion for Temporary and Permanent Injunction”
23. 10/01/20 Defendant Hutson’s Response to Plaintiffs / Third Party Defendants’ Motion to Strike Defendant’s “Notice of Extrinsic Fraud,” *and* “Memorandum to Defendant’s Amended Cross Complaint” *and* “Plaintiffs’ Request for Sanctions and Memorandum in Support,” *and* “Motion to Strike Portions of Defendant’s ‘Answer’” *and* “Request for Sanctions.”
24. 10/05/20 PAIG, et. al’s Response To *and* Motion To Strike: **(1)** Defendant’s 9/24/2020 response to the Motion to Stay/Strike/Dismiss Hutson’s Amended Counterclaims and Third-Party Claims and Motion for Temporary and

Permanent Injunction and Request For Sanctions; **(2)** Defendant's 9/30/20 Response to Motions; and **(3)** Defendant's 9/30/20 Addendum Response to Motions.

25. 10/08/20 Hutson's Supplemental to Defendants' Response to Plaintiffs/Third Party Defendants' "Motion to Strike Defendant's Notice of Extrinsic Fraud" **and** "Memorandum to Defendants' Amended Cross Complaint" **and** Pl's "Request for Sanctions and Memorandum in Support" **and** Pl's "Motion to Strike Portions of Defendant's 'Answer'" **and** Pl's **Request for Sanctions.**
26. 10/08/20 Hutson's Letter to Court Requesting Simultaneous Hearing.
27. 10/09/20 Third Party Defendants Timothy J. Newton and Murphy & Grantland, P.A.'s Response in Support of Motion to Dismiss, or, in the Alternative, Motion for Summary Judgment (pp. 7 *plus* Exhibits) and Letter / Omitted (one page)
27. 10/13/20 Hutson's "Addendum of Law"
29. 10/14/20 Third Party Defendants Newton, et. al.'s "Response to Defendant / Third-Party Claimant's... 'Addendum of Law'" (9 pp. *plus* various attachments)
30. 10/20/20 Hutson's Response to 3<sup>rd</sup> Party Defendants' "Response to Hutson's 'Addendum of Law'" (6 pp.)
31. 10/20/20 \*\*\* Def. Hutson's Answers to Plaintiffs' Fraudulent Complaint (Noted: *SECOND COPY DUE TO 'LOST' IN MAIL.*) that includes Athena Borer's e-mail notices regarding judge assignment which were hand delivered to Stegmaier's office verified by signature from Collins and Lacy.
32. 10/26/20 Questions and Requests for Judge Hood (2 pp.)
33. 01/04/21 Notice of Appeal
34. 1/21/21 Hutson's Letter to Commission on Lawyer Conduct
35. 1/28/21 Hutson's Motion for Emergency Hearing with attachments A, B, and C
36. 1/28/21 Plaintiffs' and Third-Party Defendants' Response to Hutson's Amended Motion for Emergency Hearing (5 pp w/ Exhibits A, B, & C)
37. 2/1/21 Defendant's Response to "Plaintiffs' and 3<sup>rd</sup> Party Defendants / Motion for Emergency Hearing" Jury Trial Demanded.

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

January 6, 2021



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M. B. Hutson, Appellant  
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v.

Morris Beach Hutson a/k/a M.B. Hutson,  
Defendant/Counter-Plaintiff,

AND

Morris Beach Hutson a/k/a M. B. Hutson,  
Third Party Plaintiff,

v.

Penn America Ins. Co. & Global  
Indemnity Group, LLC, Timothy J.  
Newton, Esq. of Murphy & Grantland,  
P.C.; & Christian Stegmaier, Esq. of  
Collins & Lacy P.A., Third Party  
Defendants,

of whom Morris Hutson is the Appellant,

and Penn America Ins. Co. & Global  
Indemnity Group, LLC, Timothy J.  
Newton, Esq., of Murphy Grantland,  
P.C., & Christian Stegmaier, Esq. of  
Collins & Lacy P.A., are the  
Respondents.

PROOF OF SERVICE

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PROOF OF SERVICE

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I certify that I have electronically served the **DESIGNATION OF MATTER** to the Appellate Court to meet the guidelines for filing during the coronavirus pandemic and also electronically and respectfully to all parties listed on the Notice of Appeal:

(1) Collins and Lacy P.C.'s Christian Stegmaier, Esq. & Laura Baer, Esq.:

[cstegmaier@collinsandlacy.com](mailto:cstegmaier@collinsandlacy.com); and [lbaer@collinsandlacy.com](mailto:lbaer@collinsandlacy.com); and

(2) Murphy Grantland's: John Grantland, Esq., J.R. Murphy, Esq., & T. J. Newton, Esq.:

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[tnewton@murphygrantland.com](mailto:tnewton@murphygrantland.com).

February 6, 2021



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