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Mar 29 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

R. Lawton McIntosh, Judge

Case No. 2015-CP-04-00667
Appellate Case No. 2020-000070

Ex Parte: Donald L. Smith,
In Re: Greg Battersby,

Appellant,
Plaintiff

v.

J. Kirkman Moorehead, Krause, Moorhead &
Draisen, P. A., All State Insurance Company,
And Allstate Northbrook Indemnity Company,

Defendants,

J. Kirkman Moorehead, Krause, Moorhead &
Draisen, P. A.,

Respondents.

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

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

Battersby v. Neal

1. Summons and Complaint, May 30, 2014
2. Defendant Neal's Answer and Counterclaim, June 18, 2014
3. Amended Summons and Complaint, June 19, 2014
4. Reply to Respondent Neal's Counterclaim, June 23, 2014
5. Motion to Quash Subpoena, July 1, 2014
6. Defendant Dunaway's Motion to Dismiss or Strike, July 2, 2014
7. Reply to Motion to Quash Subpoena, July 8, 2014
8. Reply to Motion to Dismiss, July 9, 2014
9. Morton Answer and Counterclaim, July 21, 2014
10. Reply to Morton Answer and Counterclaim, July 31, 2014

11. Order Form 4, September 4, 2014
12. Second Amended Complaint, September 29, 2014
13. Answer and Counterclaim by Dunaway, September 30, 2014
14. Motion to Include as Party Defendant, November 7, 2014
15. Reply to Answer and Counterclaim of Defendant Dunaway, November 20, 2014
16. Morton Answer and Counterclaim, November 20, 2014
17. Motion to Compel All State Insurance, November 24, 2014
18. Reply to Morton Answer and Counterclaim, December 2, 2014
19. Order Substituting Counsel, December 11, 2014
20. Verdict Form 4, January 27, 2017
21. Order Denying Motion to Add Party, February 27, 2017

Battersby v. Moorhead

22. Summons and Complaint, March 20, 2015
23. First Amended Summons and Complaint, March 31, 2015
24. Respondents' Motion to Dismiss, March 31, 2015
25. Second Amended Complaint, March 31, 2015
26. Letter re Second Amended Complaint, April 6, 2015
27. Notice of Presentation, April 23, 2015
28. All State Insurance Motion to Dismiss, April 30, 2015
29. Memorandum in Support of All State Motion to Dismiss, June 4, 2015
30. Appellant's Memorandum in Opposition to All State Insurance Motion to Dismiss, June 2, 2015
31. Respondents' Memorandum in Support of Motion to Dismiss, June 4, 2015
32. Appellant's Memorandum in Opposition of Respondents' Motion to Dismiss, June 4, 2015
33. Order Granting All State Insurance Summary Judgment, June 12, 2015
34. All State Insurance Motion for Sanctions, June 25, 2015
35. Affidavit of Johnston Cox, June 29, 2015
31. Appellant's Motion to Withdraw All Pleading, June 30, 2015
32. Response to All State Insurance Motion for Sanctions, June 30, 2015
33. Motion to be Relieved as Counsel, July 1, 2015
34. Form 4 Motion to Withdraw All Pleading, July 10, 2015
35. Order Granting Moorhead Motion to Dismiss, July 10, 2015
36. Respondents' Motion for Sanctions, July 24, 2015
37. Order Denying All State Insurance Motion for Sanctions, August 20, 2015
38. Memorandum in Opposition to Respondents' Motion for Sanctions, September 23, 2015
39. Respondents' Memorandum in Support of Motion for Sanctions, October 8, 2015
40. Order on Motion to be Relieved as Counsel, October 8, 2015
41. Notice of Lack of Jurisdiction, January 27, 2016
42. Memorandum in Support of Court's Jurisdiction, January 29, 2016
43. Verification, January 29, 2016
44. Order Granting Respondents' Motion for Sanctions, February 4, 2016
45. Motion for Reconsideration, February 18, 2016

46. Form 4 Denying Motion for Reconsideration, February 22, 2016
47. Motion to Enter Monetary Sanction in the Judgment Roll , October 15, 2019
48. Order, December 16, 2019
49. Notice of Appeal, January 13, 2020
50. Transcript of Deposition of Jan Morton
51. Transcription of Deposition of Neal
52. Transcript of Hearing on Motion for Reconsideration
53. Transcript of Motion to Enter Monetary Sanctions to the Judgment Roll, December 5, 2019
54. Memorandum Opinion and Order by Arizona State Board of Chiropractic Examiners, October 17, 2008
55. Case Details: McCord v. Mentor Chiropractic, et al. (Ohio 94CV000120).

s/Donald L. Smith

Donald L. Smith (Bar No.: 6699)

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Pro Se

Anderson, South Carolina
March 29, 2021.

**FORM 7
PROOF OF SERVICE**

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J. Kirkman Moorehead, Krause, Moorhead &
Draisen, P. A., All State Insurance Company,
And Allstate Northbrook Indemnity Company,

Defendants,

J. Kirkman Moorehead, Krause, Moorhead &
Draisen, P. A.,

Respondents.

PROOF OF SERVICE

Pursuant to Supreme Court of South Carolina's Amended Order 2020-05-29-02, I certify that I have served a copy of the Initial Brief of Appellant and Designation of Matter to Be Included in the Record on Appeal, and Proof of Service of same, upon The Honorable Jenny Abbott Kitchings, Clerk of South Carolina Court of Appeals, and the Respondents, by and through their respective counsel of record, via electronic mail in the addresses as follows:

Ms. Jenny Abbott-Kitchings

ctappfilings@sccourts.org

Attorney for Respondents

Mr. Steven M. Krause, Esquire

steve@krauselaw.org

Mr. Timothy Alan Nowacki, Esquire

tim@theclardylawfirm.com

The above-mentioned documents have been served on March 2, 2021.

s/Donald L. Smith

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Anderson, South Carolina
March 29, 2021.

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**FORM 8
LETTER TO THE APPEALS COURT CLERK
FILING INITIAL BRIEF OF APPELLANT AND
DESIGNATION OF MATTER TO BE INCLUDED ON RECORD ON APPEAL**

March 29, 2021

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

**RE: Ex Parte: Donald L. Smith (In Re: Battersby v. Kirkman)
Appellate Case No. 2020-000070**

Dear Ms. Kitchings:

Please find attach the following documents for filing:

- (1) Initial Brief of Appellant;
- (2) Designation of Matter to be Included on Record on Appeal; and,
- (3) Proof of Service.

Sincerely,

s/Donald L. Smith
Donald L. Smith, (Bar#6699)
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Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

cc: Mr. Steven M. Krause, Esquire
Mr. Timothy Alan Nowacki, Esquire