

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC 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. Appellant's Second Amended Complaint, September 29, 2014
2. Tom Dunaway's Answer and Counterclaim to Second Amended Complaint, October 30, 2014
3. Appellant's Motion to Join as Party Defendant, November 7, 2014
4. Appellant's Reply to Answer and Counterclaim of Defendant Dunaway, November 20, 2014
5. Jan Morton's Answer and Counterclaim to Second Amended Complaint, November 20, 2014
6. Carrie Neal's Answer and Counterclaim to Second Amended Complaint, November 23, 2014
7. Appellant's Motion to Compel All State Insurance, November 24, 2014
8. Gregg Battersby's Removal of Counsel and Motion for a Definite Statement from Tom Dunaway, June 29, 2015

9. Form 4, January 27, 2017 (signed by Judge on January 26, 2017)
10. Verdict Form, January 27, 2017
11. Order Denying Motion to Add Party, February 27, 2017
12. Transcript of Record, June 4, 2015, pp. 1,9, 15-18, 28-33
13. Exhibits in Carrie Neal's Answer and Counterclaim to Appellant's Complaint, June 18, 2014
14. Transcript of Deposition of Jan Morton, pp. 6-11, 13-14, 18-25, 29-31, 36-37, 42, 44-51, 53-59, 71-72
15. Transcription of Deposition of Neal, pp. 12-14, 30-31, 35-37, 41-43, 51, 57
16. Opinion on State of Ohio v. Battersby

Battersby v. Moorhead

1. Appellant's Second Amended Complaint, March 31, 2015
2. Respondents' Motion to Dismiss, March 31, 2015
3. Letter re Second Amended Complaint, April 6, 2015
4. All State Insurance Motion to Dismiss, April 30, 2015
5. Memorandum in Support of All State Motion to Dismiss, June 4, 2015
6. Appellant's Memorandum in Opposition to All State Insurance Motion to Dismiss, June 4, 2015
7. Memorandum in Support of Respondents' Motion to Dismiss, June 4, 2015
8. Appellant's Memorandum in Opposition of Respondents' Motion to Dismiss, June 4, 2015
9. Formal Order Granting All State Insurance Summary Judgment, June 12, 2015
10. All State Insurance Motion for Sanctions, June 25, 2015
11. Affidavit of Johnston Cox, June 29, 2015
12. Appellant's Motion to Withdraw All Pleading, June 30, 2015
13. Appellant's Response to All State Insurance Motion for Sanctions, June 30, 2015
14. Appellant's Motion to be Relieved as Counsel, July 1, 2015
15. Form 4 Motion to Withdraw All Pleading, July 10, 2015 (signed by Judge on July 8, 2015)
16. Order Granting Moorhead Motion to Dismiss, July 10, 2015 (signed by Judge on July 8, 2015)
17. Respondents' Motion for Sanctions, July 24, 2015
18. Order Denying All State Insurance Motion for Sanctions, August 20, 2015
19. Appellant's Memorandum in Opposition to Respondents' Motion for Sanctions, September 23, 2015
20. Appellant's Letter to the Court, Re: Additional Fees asked on Motion for Sanctions, October 7, 2015
21. Respondents' Memorandum in Support of Motion for Sanctions, October 8, 2015
22. Gregg Battersby's Memorandum in Opposition to Motion for Sanctions, October 8, 2015
23. Form 4, Order on Motion to be Relieved as Counsel, October 8, 2015
24. Appellant's Notice of Lack of Jurisdiction over Motion for Sanction, January 27, 2016
25. Memorandum in Support of Court's Proper Exercise of Jurisdiction over Respondents' Motion for Sanctions with Verification, January 29, 2016
26. Order Granting Respondents' Motion for Sanctions, February 4, 2016 (signed by Judge February 3, 2016)

27. Appellant's Motion for Reconsideration, February 18, 2016
28. Form 4 Denying Motion for Reconsideration, April 22, 2016
29. Respondents' Motion to Enter Monetary Sanction in the Judgment Roll, October 15, 2019
30. Transcript of Motion to Enter Monetary Sanctions to the Judgment Roll, December 5, 2019
31. Order Granting Respondents' Motion to Enter Monetary Sanction in the Judgment Roll, December 16, 2019
32. Notice of Appeal, January 13, 2020

s/Donald L. Smith

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Anderson, South Carolina
July 12, 2021.