

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.

**REPLY TO RESPONDENTS' LETTER
RE: RECORD ON APPEAL**

1. On March 29, 2021, Appellant filed his Designation of Matter (hereinafter referred as "Original DOM") on the above-mentioned case, together with Appellant's Initial Brief.

2. On July 12, 2021, Appellant moved for leave to file an Amended Designation of Matter to be include in the Record on Appeal (hereinafter referred as "Amended DOM") to reflect the documents relevant to the remaining Orders and issues relating to the imposition of sanctions.

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3. In the said Amended DOM, Appellant corrected the items erroneously numbered in the Original DOM. (Appellant's Original DOM, items #31 to #55).

4. Items # 50-52 of the Original DOM were transposed to the heading *Battersby v. Neal* as Items #12,14 & 15 of Amended DOM. These documents were composed of transcripts of hearings which transpired in that case, and not in the *Battersby v. Morehead*. They can be found in the Record on Appeal on pages 292-337, 277-291, 338-351 respectively.

5. Item #53 of the Original DOM is designated as #30 in the Amended DOM and can be found in the Record on Appeal pages 177-181.

6. Item # 54 of the Original DOM is transposed as Item #13 of the Amended DOM under the *Battersby v. Neal* heading. This document, entitled Memorandum Opinion and Order by Arizona State Board of Chiropractic Examiners, October 17, 2008, is part of Carrie Neal's Exhibits for her Answer to Complaint and Counterclaim. They can be found in the Record on Appeal on pages 367-370.

7. Item # 55 of the Original DOM is transposed as Item #16 under the *Battersby v. Neal* heading. This document is part of Carrie Neal's Exhibits for her Answer to Complaint and Counterclaim. It can be found in the Record on Appeal on pages 371-385.

8. With regards to items #2-4 of Respondents' DOM, Appellant has designated the items as # 16, 26 and 28 in Appellant's Amended DOM with the corrected dates. These items can be found in the Record on Appeal on pages 25-32, 8-15, and 5-7 respectively.

9. Respondents did not file an Opposition nor an Objection to the Amended Designation of Matter, as such the Amended DOM superseded the Original.

10. On September 16, 2021, Respondents submitted a Letter to this Court, alleging the Record on Appeal was incomplete and inaccurate.

11. Since Respondents did not identify the item(s) and/or document(s) allegedly missing, Appellant furnishes them a copy of the Table of the Summary of Designation of Matters, as Exhibit A for their review.

CONCLUSION

Accordingly, Appellant submits this Reply to Respondents' Letter, dated September 16, 2021, for information and reference of this Court and the Counsel for Respondents.

s/Donald L. Smith

Donald L. Smith (Bar No. 6699)

122 N. Main Street

Anderson SC 29621

Telephone: (864) 642-9284

Facsimile: (864) 642-9285

attorneydonaldsmith@gmail.com

Pro Se

Anderson, South Carolina
September 24, 2021.