

RECEIVED

Oct 07 2021

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Dorchester County
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Case No. 2020-CP-18-01027
Appellate Case No. 2021-000594

Paulette Walker
as Personal Representative of the Estate of Albert Walker,

Respondent,

v.

Hallmark Longterm Care, LLC
d/b/a Hallmark Healthcare Center
and Durena Stinson,

Defendants,

Of whom Hallmark Longterm Care, LLC
d/b/a Hallmark Healthcare Center is

Appellant.

APPELLANT'S DESIGNATION OF MATTER

CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
D. Jay Davis, Jr. (SC Bar No. 12084)
James D. Gandy, III (SC Bar No. 11925)
Russell G. Hines (SC Bar No. 72100)
T. Ashton Phillips, III (SC Bar No. 104227)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488

Attorneys for Appellant

Appellant, Hallmark Longterm Care, LLC, d/b/a Hallmark Healthcare Center (“Hallmark”), designates the following matter for inclusion in the Record on Appeal, with any duplicative material (e.g., the Arbitration Agreement, which is attached as an exhibit to both Hallmark’s Motion to Compel Arbitration and to Hallmark’s Memo in Support of its Motion to Compel arbitration) to appear in the Record on Appeal only once:

Orders

1. Consent Order to Amend and Substitute Parties, filed December 21, 2020;
2. Order Denying Defendant’s Motion to Stay Action and Compel Arbitration, filed March 19, 2021;
3. Order Denying Defendant’s Motion for Reconsideration, filed May 5, 2021;

Pleadings

4. Summons, Complaint, and Affidavit of Tabitha Nolen, MSN, RN, PCCN, filed July 7, 2020;
5. Hallmark’s Answer to Complaint, filed August 17, 2020;
6. Amended Summons and Amended Complaint, filed December 29, 2020;
7. Hallmark’s Answer to Amended Complaint, filed January 13, 2021;

Transcript

8. Transcript of Hearing held February 8, 2021;

Other Material

9. Hallmark's Motion to Compel Arbitration, filed October 2, 2020;
 - a. Exhibit A, Arbitration Agreement; and
 - b. Exhibit B, Durable Power of Attorney for Health Care and Living Will;
10. Hallmark's Memo in Support of Motion to Compel Arbitration, filed February 5, 2021;
 - a. Exhibit 1, Admission Agreement;
 - b. Exhibit 2, Arbitration Agreement [same as 9.a above];
 - c. Exhibit 3, Other Documents Signed by Mrs. Walker;
 - d. Exhibit 4, Medical Records Re: Mrs. Walker's Agency¹;
 - e. Exhibit 5, Durable Power of Attorney for Financial Management;
 - f. Exhibit 8, Documents Re: Mrs. Walker Acting as Agent for Mr.

¹ This exhibit was submitted to the circuit court for in camera review. In designating it for inclusion in the record on appeal, Hallmark anticipates submitting it to the appellate court for in camera review and/or (after first duly seeking and obtaining leave to do so) filing it with the appellate court under seal (as an individual submission and/or by including it in some appropriately sealed/redacted version/volume of the record on appeal) and/or as the appellate court may otherwise direct.

Walker After January 2, 2019;

- g. Exhibit 14, Evidence from Chart Re: Mr. Walker's Faculties²;
- 11. Plaintiff's Memo in Opposition to Motion to Compel Arbitration, filed February 5, 2021;
- 12. Hallmark's Motion to Reconsider, filed March 29, 2021;
- 13. Plaintiff's Memo in Opposition to Hallmark's Motion to Reconsider, filed April 6, 2020;
- 14. Notice of Appeal (with Proof of Service but omitting attached appealed orders, as they are already separately designated for inclusion above), served June 4, 2021.

I certify that this Designation of Matter contains no matter irrelevant to this appeal.

<SIGNED ON THE FOLLOWING PAGE>

² This exhibit was submitted to the circuit court for in camera review. In designating it for inclusion in the record on appeal, Hallmark anticipates submitting it to the appellate court for in camera review and/or (after first duly seeking and obtaining leave to do so) filing it with the appellate court under seal (as an individual submission and/or by including it in some appropriately sealed/redacted version/volume of the record on appeal) and/or as the appellate court may otherwise direct.

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Stephen L. Brown (SC Bar No. 66468)
D. Jay Davis, Jr. (SC Bar No. 12084)
James D. Gandy, III (SC Bar No. 11925)
Russell G. Hines (SC Bar No. 72100)
T. Ashton Phillips, III (SC Bar No. 104227)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488
Attorneys for Appellant

Charleston, South Carolina

October 7, 2021

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Oct 07 2021

SC Court of Appeals

Appeal from Dorchester County
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Case No. 2020-CP-18-01027
Appellate Case No. 2021-000594

Paulette Walker
as Personal Representative of the Estate of Albert Walker,

Respondent,

v.

Hallmark Longterm Care, LLC
d/b/a Hallmark Healthcare Center
and Durena Stinson,

Defendants,

Of whom Hallmark Longterm Care, LLC
d/b/a Hallmark Healthcare Center is

Appellant.

PROOF OF SERVICE

CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
D. Jay Davis, Jr. (SC Bar No. 12084)
James D. Gandy, III (SC Bar No. 11925)
Russell G. Hines (SC Bar No. 72100)
T. Ashton Phillips, III (SC Bar No. 104227)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488

Attorneys for Appellant

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellant, hereby certify that the **INITIAL BRIEF OF APPELLANT** and **APPELLANT'S DESIGNATION OF MATTER** were served on Respondent on October 7, 2021, by emailing (see attached) a copy of the same to her counsel of record:

D. Nathan Hughey, Esquire
nate@hugheylawfirm.com

A. Stuart Hudson, Esquire
stuart@hugheylawfirm.com

Bradley H. Banyas, Esquire
brad@hugheylawfirm.com

Hughey Law Firm, LLC
1311 Chuck Dawley Boulevard, Suite 201
Mt. Pleasant, SC 29464

Attorneys for Respondent

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Russell G. Hines (SC Bar No. 72100)
Attorneys for Appellant

Charleston, South Carolina

October 7, 2021

From: [Hines, Russell](#)
To: ["ctappfilings@sccourts.org"](mailto:ctappfilings@sccourts.org)
Cc: ["Brown, Steve"](#); [Justman, Aimee](#); [Bell, Pollyana \(Polly\)](#); ["nate@hugheyfirm.com"](mailto:nate@hugheyfirm.com); ["stuart@hugheyfirm.com"](mailto:stuart@hugheyfirm.com); ["Brad Banyas"](#)
Subject: Walker v. Hallmark (2021-000594)
Date: Thursday, October 7, 2021 11:58:57 PM
Attachments: [image001.png](#)
[Walker v. Hallmark \(2021-000594\) -- Appellant's Designation of Matter.pdf](#)
[Walker v. Hallmark \(2021-000594\) -- Initial Brief of Appellant.pdf](#)
[Walker v. Hallmark \(2021-000594\) -- Proof of Service for AIB and Designation.pdf](#)

Attached for filing in the above-referenced matter please find Appellant's **Brief, Designation, and Proof of Service.**

Please Note: The filing fee will be mailed to the Court.

Thank you.

Russell G. Hines
CLEMENT RIVERS, LLP
www.ycrlaw.com
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
Phone: (843) 720-5488
Fax: (843) 579-1327
Email: rhines@ycrlaw.com



CLEMENT RIVERS, LLP

25 Calhoun Street • Suite 400 • Charleston, SC 29401
ycrlaw.com