

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

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Nov 10 2021

SC Court of Appeals

Appeal from Calhoun County
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Case No. 2019-CP-09-00220
Appellate Case No. 2021-000700

Jeffery White,
individually and as Personal Representative
of the Estate of Lizzie White,

Respondent,

v.

St. Matthews Healthcare, LLC,
d/b/a Calhoun Convalescent Center,

Appellant.

APPELLANT'S DESIGNATION OF MATTER

CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
D. Jay Davis, Jr. (SC Bar No. 12084)
Russell G. Hines (SC Bar No. 72100)
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Attorneys for Appellant

Defendant/Appellant, St. Matthews Healthcare, LLC, d/b/a Calhoun Convalescent Center, designates the following matter for inclusion in the Record on Appeal, with any duplicative matter (e.g., the Arbitration Agreement, which is attached as an exhibit to multiple circuit court filings) to appear in the Record on Appeal only once:

Orders

1. Order Granting Defendant's Motion to Compel Arbitration and Motion to Stay, filed November 24, 2020;
2. Order Granting Plaintiff's Motion to Reconsider, filed March 31, 2021;
3. Order Denying Defendant's Motion to Alter, Amend, and/or Reconsider Order Granting Plaintiff's Motion to Reconsider, filed June 2, 2021;

Pleadings

4. Summons and Complaint, filed December 16, 2019, *with*
 - Exhibit 1B: Affidavit of Norman Khoury, M.D., F.A.C.S.;
5. Answer, filed January 27, 2020;

Transcript

6. Transcript of Motion Hearing held August 12, 2020;
7. Transcript of Motion Hearing held February 10, 2021;

Other

8. Motion to Compel Arbitration, filed June 17, 2020, *with*
 - Exhibit A: Arbitration Agreement; and

- Exhibit B: SC Health Care Power of Attorney;
9. Memo in Opposition to Motion to Compel Arbitration, filed August 10, 2020;
 10. Memo in Support of Motion to Compel Arbitration, filed August 11, 2020, *with*
 - Exhibit 1: SC Health Care Power of Attorney;
 - Exhibit 2: Admission Agreement;
 - Exhibit 3: Arbitration Agreement;
 - Exhibit 4: SC Community Long Term Care Consent Form;
 - Exhibit 6: Physician Certification Regarding Ability to Consent;
 - Exhibit 12: Email's Between Counsel;
 11. Plaintiff's Motion for Reconsideration, filed December 3, 2020;
 12. Defendant's Response in Opposition to Plaintiff's Motion for Reconsideration, filed February 9, 2021;
 13. Defendant's Motion to Alter, Amend, and/or Reconsider Order Granting Plaintiff's Motion to Reconsider, filed April 12, 2021;
 14. Plaintiff's Memo in Opposition to Defendant's Motion to Reconsider, filed May 3, 2021
 15. Notice of Appeal and Proof of Service (omitting attached appealed orders, which are already separately designated for inclusion above), served/filed July 1, 2021.

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

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
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November 10, 2021