

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HAMPTON COUNTY
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

Case No. 2010-CP-25-489 and 490
Court of Appeals No. 2012-207289

Linda Johnson, as Personal Representative of the Estate of
Inez Roberts Respondent,

v.

Heritage Healthcare of Estill, LLC d/b/a Heritage of the Lowcountry
and/or Uni-Health Post Acute Network of the Lowcountry, United
Clinical Services, Inc., United Rehab, Inc., and UHS Pruitt Corporation. Appellants.

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

Appellants propose the following be included in the Record on Appeal:

1. Order Denying Defendants' Motion to Compel Arbitration dated November 3, 2011, and filed November 9, 2011
2. Order Denying Defendants' Motion for Reconsideration Pursuant to Rule 59(e), SCRCF, dated January 11, 2012, and filed January 17, 2012
3. Transcript of Hearing on October 7, 2011 (Motion to Compel Arbitration)
4. Stipulation as to Transcript of Hearing
5. Wrongful Death Complaint
6. Survival Action Complaint
7. Answers of UHS-Pruitt Corporation (Wrongful Death and Survival)
8. Answers of United Clinical Services, Inc. (Wrongful Death and Survival)
9. Answers of United Rehab, Inc. (Wrongful Death and Survival)
10. Answers of Heritage HealthCare of Estill, LLC (Wrongful Death and Survival)
11. Plaintiff's Motion to Strike (Wrongful Death)

12. Plaintiff's Motion to Strike (Survival)
13. Order Denying Plaintiff's Motion to Strike (Wrongful Death)
14. Order Denying Plaintiff's Motion to Strike (Survival)
15. Defendants' Memorandum in Support of Motion to Compel Arbitration and supporting exhibits
16. Plaintiff's Memorandum in Opposition to Defendants' Motion to Compel Arbitration
17. Defendants' Motion to Reconsider dated November 28, 2011 and supporting exhibits
18. Plaintiff's Response to Motion for Reconsideration
19. Deposition Excerpts from Deposition of Linda Johnson
20. Deposition Excerpts from Deposition of Sally Dobson
21. Power of Attorney for Inez Roberts
22. Plaintiff's Answers to Defendant Heritage HealthCare of Estill, LLC's First Request for Admissions
23. Arbitration Agreement
24. Notice of Appeal

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

SOWELL GRAY STEPP & LAFFITTE

BY: 

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April 17, 2013

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Carmen T. Mullen, Circuit Court Judge

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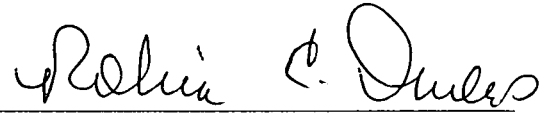
CERTIFICATE OF SERVICE

I, the undersigned legal assistant, of the law offices of Sowell Gray Stepp & Laffitte, LLC, attorneys for Appellants, do hereby certify that I have served all counsel in this action with a copy of the Designation of Matter to be Included in the Record on Appeal by mailing a copy of same to counsel via United States Mail, postage prepaid, at the following address(es):

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April 17, 2013

VIA HAND DELIVERY

Honorable Jenny Abbott Kitchings
Clerk, SC Court of Appeals
John C. Calhoun Building
1015 Sumter Street
Columbia, SC 29201

RE: Linda Johnson, as PR of the Estate of Inez Roberts v.
Heritage Healthcare of Estill, LLC d/b/a Heritage of the Lowcountry
and/or d/b/a Uni-Health Post Acute Care of the Lowcountry,
United Clinical Services, Inc., United Rehab, Inc., and UHS-
Pruitt Corporation
Court of Appeals Tracking No. 2012207289
Civil Action No. 10-CP-25-489 and 490
Our File No. 5593/1509

Dear Ms. Kitchings:

I enclose for filing the originals and one copy each of Initial Brief of Appellants and Designation of Matter to be Included in Record on Appeal with proof of service in the above-referenced matter. Please return a clocked-in copy of same to me for our records.

For the sake of clarity, on March 20, 2013, we filed identical Motions to Extend the Deadline to File the Initial Brief of Appellants in this case (2012-207289) and in a companion case, styled Cherry T. Scott, as Personal Representative of the Estate of Elizabeth Jones, v. Heritage Healthcare of Estill, LLC, et al. (2012-207308). Our Motion was based on issues with receipt of an accurate and completed transcript of the hearing from which this appeal was taken, and we asked for a 30-day extension such that our deadline for filing the Initial Brief of Appellants would be April 17, 2013.

By Order dated March 25, 2013, the Court extended the time for serving and filing appellants' initial brief and designation of matter until appellants received a complete transcript, and the Court required appellants to advise the Court of the status of the transcript no later than April 17, 2013.

We are hereby advising the Court that the court reporter who ultimately prepared the transcript has taken the position that she cannot make any revisions nor fix any agreed-upon typographical or stenographical errors given that she was not present at the actual hearing. Counsel for the parties have agreed to a stipulation to clarify some of the arguments made at the hearing, and thus, we believe all transcript issues have been resolved. In an effort to avoid further delay, the Appellants are filing and serving their Initial Brief and Designation of Matter to be Included in the Record on Appeal along with this letter.

By copy of this letter to counsel shown below, I am serving a copy of same upon them by mail. Thank you for your assistance.

Yours truly,



J. Michael Montgomery

JMM:rc0
Enclosures

cc: Lee D. Cope, Esquire
Charles McCutchen, Esquire
Margie Bright Matthews, Esquire