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Feb 18 2022

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

G.D. Morgan, Jr., Circuit Court Judge

Appellate Case No.: 2021-001463

Anthony Wise,Appellant,

-v-

Kenneth E. Leap, Newberry Hospital, LLC d/b/a
Newberry County Memorial Hospital, and West
Fraser, Inc., Defendants,

Of Whom, West Fraser, Inc. isRespondent.

APPELLANT’S DESIGNATION OF MATTER
TO BE INCLUDED IN RECORD ON APPEAL

Appellant designates the following items for inclusion in the Record on Appeal, in addition to materials designated by the Respondent. Appellant reserves the right to seek to supplement the record pursuant to Rule 212, SCACR.

1. Summons and Complaint, filed March 7, 2019;
2. Answer of Respondent to Complaint, filed June 3, 2019;
3. Respondent’s Motion for Summary Judgement, filed June 8, 2021;
4. Hearing Transcript, dated August 11, 2021;
5. Appellant’s Motion to Amend Complaint, filed August 17, 2021;

6. Appellant's Memorandum in Support of Motion to Amend, filed August 26, 2021;
7. Form 4 Order Granting Summary Judgment and Requesting Proposed Order, filed August 27, 2021;
8. Appellant's Motion for Reconsideration filed September 2, 2021;
9. Order Granting Respondent's Motion for Summary Judgment and denying Appellant's Motion to Amend Complaint, filed October 11, 2021;
10. Appellant's Memorandum in Support of Motion for Reconsideration, filed October 14, 2021;
11. Form 4 Order Denying Appellant's Motion for Reconsideration, filed November 23, 2021;
12. Deposition Transcript of Anthony Wise dated December 18, 2019;
13. Deposition Transcript of Anthony L. Cannon dated December 19, 2019;
14. Deposition Transcript of Keith Nelson dated December 18, 2019 including exhibit:
 - Ex. 1 – Warning Letter to Keith Nelson from DJ Russell, dated November 17, 2017
15. Deposition Transcript of George Wilson, Jr. dated December 19, 2019;
16. Deposition Transcript of Jeremy L. Neal dated December 19, 2019;
17. Deposition Transcript of Dolan J. Russell dated December 19, 2019 including exhibits:
 - Ex. 1 – Meeting Notes dated November 13, 2017
 - Ex. 2 – Meeting Notes dated November 17, 2017
 - Ex. 3 – Meeting Notes dated December 4, 2017
 - Ex. 4 – Warning Letter dated November 17, 2017
 - Ex. 5 – Meeting Notes dated December 11, 2017
18. Deposition Transcript of Anthony L. Byrd, Sr. dated December 19, 2019;
19. Deposition Transcript of Raphael Maybin dated December 19, 2019;
20. Deposition Transcript of Joseph Praylow dated December 19, 2019;
21. Deposition Transcript of Julian Harry Shelton dated December 19, 2019;

22. Deposition Transcript of Mike Shealy dated December 19, 2019;
23. Deposition Transcript of Pauline Wise dated June 16, 2020;
24. Written Statement of Melody H. Jepsen, dated November 17, 2017;
25. Letter of December 15, 2021 from John E. Parker, Jr. to Clerk, SC Court of Appeals filing Notice of Appeal.

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

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

PETERS, MURDAUGH, PARKER, ELTZROTH
& DETRICK, P.A.

February 18, 2022
Hampton, South Carolina

By:  _____

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Attorneys for Respondent

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Kenneth E. Leap, Newberry Hospital, LLC d/b/a
Newberry County Memorial Hospital, and West
Fraser, Inc., Defendants,

Of Whom, West Fraser, Inc. isRespondent.

CERTIFICATE OF SERVICE

This is to certify that I, *Claudia Cartier*, with the Law Firm of Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A., Attorneys for the Appellants, have this date emailed a true and correct copy of the within *Appellant's Designation of Matter to be Included in the Record on Appeal* to:

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ATTORNEYS FOR RESPONDENT

Claudia Cartier

Claudia Cartier

February 18, 2022
Hampton, South Carolina

February 18, 2022

John E. Parker, Jr.
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Paralegal: ccartier@pmped.com

Via Email Only: ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings
S.C. Court of Appeals Clerk of Court
Post Office Box 11629
Columbia, SC 29211-1629

Re: Anthony Wise v. Newberry Hospital, et al
Appellate Case No.: 2021-001463

Dear Ms. Kitchings:

Please find enclosed for filing, Appellant's Initial Brief and Designation of Matter to be Including in the Record on Appeal in the above-referenced case.

By copy of this letter, Appellant's Initial Brief and Designation of Matter is being served on all counsel of record.

With kind regards, I am

Sincerely,



John E. Parker Jr.

JAY/cc

Cc: Christopher B. Major, Esquire.
Anne Laurie McClurkin, Esquire