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Nov 29 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM JASPER COUNTY COURT OF COMMON PLEAS

The Honorable H. Steven DeBerry, IV, Circuit Court Judge

Appellate Case No. 2022-001266
Trial Court Case No. 2021-CP-27-00028

City of Hardeeville.....Appellant,

v.

Jasper County, South Carolina, Jasper County Treasurer,
and Jasper County Auditor.....Respondents,

AND

Jasper County, South Carolina.....Cross Co-Plaintiff,

Verna Garvin, in her official capacity
as Jasper County TreasurerCross Co-Plaintiff,

and

Monica Wilson, in her official capacity
as Jasper County Auditor.....Cross Co-Plaintiff,

v.

City of Hardeeville, Nickel Plate Road, LLC, and Beaufort County,
South Carolina.....Cross Defendants.

APPELLANT’S DESIGNATION OF MATTER

Appellant, City of Hardeeville, (“Appellant”), by and through its undersigned counsel,

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

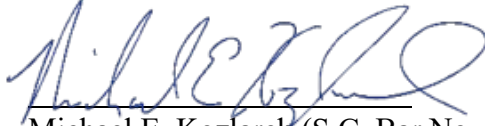
1. Order Denying Motion to Reconsider, filed September 2, 2022;
2. Appellants Reply to Jasper County's Response to Appellant's Motion to Reconsider, filed August 10, 2022.
3. Jasper County's Response to Appellant's Motion to Reconsider, filed August 4, 2022;
4. Appellant's Motion to Reconsider, filed July 25, 2022;
5. Order of the Court for Jasper County, filed July 13, 2022;
6. Letter of Michael E. Kozlarek, Esq. to The Honorable H. Steven DeBerry, IV, dated June 3, 2022.
7. Letter of Walter H. Cartin, Esq. to The Honorable H. Steven DeBerry, IV, dated June 2, 2022 (enclosing Letter of Cydney Milling, Assistant Attorney General, dated May 5, 2022);
8. Jasper County's Memorandum of Law in Support of Motion for Partial Summary Judgment and Reply to Appellant's Response in Opposition, filed October 25, 2021;
9. Affidavit of Records Custodian Wanda Hendrix Simmons, filed October 22, 2021;
10. Appellant's Motion for Summary Judgment, filed October 15, 2021;
11. Appellant's Response to Jasper County's Motion for Partial Summary Judgment, filed October 15, 2021;
12. Affidavit of Michael Czymbor, filed October 15, 2021;
13. Jasper County's Motion for Protective Order (Discovery Requests), filed August 24, 2021;
14. Appellant's Answer to Amended Cross-claim of Jasper Respondents, filed August 24, 2021;

15. Answer of Nickel Plate Road, LLC to Amended Crossclaim of Jasper Respondents, filed August 20, 2021;
16. Jasper County's Motion for Partial Summary Judgment, filed July 27, 2021;
17. Beaufort County's Answer to Amended Cross Complaint of Jasper Respondents, filed July 26, 2021;
18. Answer of Jasper Respondents to Appellant's Amended Complaint, filed July 21, 2021;
19. Appellant's Amended Summons and Complaint, filed June 21, 2021;
20. Consent Order to Amend Complaint, filed June 21, 2021;
21. Appellant's Summons and Complaint, filed February 1, 2021;
22. Hearing transcript dated October 27, 2021; and
23. Hearing transcript dated February 10, 2021.

The undersigned hereby certifies, pursuant to Rule 209(c), SCACR, that Appellants' Designation of Matter to be included in the Record on Appeal contains no matter which is irrelevant to the appeal.

Respectfully submitted,

KING KOZLAREK LAW LLC



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Counsel for Appellant City of Hardeeville

November 29, 2022
Greenville, South Carolina

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Common Pleas Case No. 2021-CP-27-00028

City of Hardeeville.....Appellant,

v.

Jasper County, South Carolina, Jasper County Treasurer,
and Jasper County Auditor.....Respondents,

AND

Jasper County, South Carolina.....Cross Co-Plaintiff,

Verna Garvin, in her official capacity
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and

Monica Wilson, in her official capacity
as Jasper County Auditor.....Cross Co-Plaintiff,

v.

City of Hardeeville, Nickel Plate Road, LLC, and Beaufort County,
South Carolina.....Cross Defendants.

PROOF OF SERVICE

I certify that a copy of the foregoing *Appellant's Designation of Matter*, has been served on all counsel of record on November 29, 2022, by emailing and placing same in the United States mail, postage prepaid, addressed as follows:

Counsel for Jasper County
Walter H. Cartin, Esq.
J. Evan Phillips, Esq.
Parker Poe Adams & Bernstein LLP
Post Office Box 1509
Columbia, SC 29202

and by e-mailing same to waltcartin@parkerpoe.com and evanphillips@parkerpoe.com

Counsel for Nickel Plate Road, LLC
Bernie W. Ellis, Esq.
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Counsel for Jasper County Auditor and Jasper County Treasurer
Thomas Allan Bendle, Jr.
Post Office Box 40
Beaufort, SC 29901

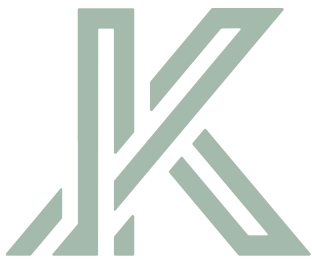
and by e-mailing same to tbendle@hgpha.com

Counsel for Beaufort County
Thomas J. Keaveny, II, Esq.
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Michael E. Kozlarek



MICHAEL E. KOZLAREK SCCEd
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November 29, 2022

Via Electronic Filing (ctappfilings@sccourts.org) and US Mail

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

Re: City of Hardeeville v. Jasper County, et al.
Case No. 2021-CP-27-00028
Appellate Case No. 2022-001266

Dear Ms. Kitchings:

Enclosed for filing in connection to the above reference matter, please find Appellant's Initial Brief, Designation of Matter to be included in the Record on Appeal, and Proofs of Service.

By copy of this correspondence we are serving all counsel of record with a copy of the attached documents via email and US Mail.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



Michael E. Kozlarek

MEK/cbs

cc:

Walter H. Cartin, Esq.
J. Evan Phillips, Esq.
Bernie W. Ellis, Esq.
Thomas Allan Bendle, Jr., Esq.
Thomas J. Keaveny, II, Esq.

KING KOZLAREK

ATTORNEYS AT LAW

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