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Jan 30 2023

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

**RESPONDENTS JASPER COUNTY TREASURER AND JASPER COUNTY
AUDITOR’S DESIGNATION OF MATTER**

Respondents, Jasper County Treasurer and Jasper County Auditor, by and through
their undersigned counsel, propose the following to be included in the Record on Appeal:

1. Order Denying Motion to Reconsider, filed September 2, 2022;
2. Appellant's 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. Hearing transcript dated October 27, 2021;
9. 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;
10. Affidavit of Records Custodian Wanda Hendrix Simmons, filed October 22, 2021;
11. Appellant's Motion for Summary Judgment, filed October 15, 2021;
12. Appellant's Response to Jasper County's Motion for Partial Summary Judgment, filed October 15, 2021;
13. Affidavit of Michael Czymbor, filed October 15, 2021;
14. Jasper County's Motion for Protective Order (Discovery Requests), filed August 24, 2021;
15. Appellant's Answer to Amended Cross-claim of Jasper Respondents, filed August 24, 2021;

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

The undersigned hereby certifies, pursuant to Rule 209(c), SCACR, that Respondents Jasper County Treasurer and Jasper County Auditor's Designation of Matter to be included in the Record on Appeal contains no matter that is irrelevant to the appeal.

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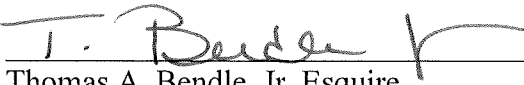
v.

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

**RESPONDENTS JASPER COUNTY TREASURER AND JASPER COUNTY
AUDITOR'S CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that he has served the Respondents' Jasper County Auditor and Jasper County Treasurer's Designation of Matter by upon all counsel of record by affixing same with proper postage and placing same with the United States Postal Service on this 30th day of January, 2023 addressed to the following:

<p>Michael Enrico Kozlarek (SC Bar #69330) John Marshall Mosser (SC Bar #71929) King Kozlarek Law, LLC 201 Riverplace, Suite 500 (29601) PO Box 565 Greenville, SC 29602-0565 Telephone: 864-5275972 Facsimile: 864-670-5246 michael@kingkozlarek.com johnmarshall@kingkozlarek.com</p> <p>Counsel for Appellant City of Hardeeville</p>	<p>Walter H. Cartin (SC Bar #78405) J. Evan Phillips (SC Bar #103679) PARKER POE ADAMS & BERNSTEIN LLP 1221 Main Street, Suite 1100 Columbia, SC 29201 Telephone: 803-255-8000 Facsimile: 803-255-8017 waltcartin@parkerpoe.com evanphillips@parkerpoe.com</p> <p>Counsel for Respondent Jasper County</p>
<p>Bernie W. Ellis, Esquire Burr & Forman, LLP Post Office Box 447 Greenville, SC 29602 Telephone: 864-271-4940 bellis@burr.com</p> <p>Counsel for Nickel Plate Road, LLC</p>	<p>Thomas A. Keaveny, II, Esquire Beaufort County Attorney's Office PO Drawer 1228 Beaufort, SC 29901-1228 Telephone: 843-255-2025 tkeaveny@bcgov.net</p> <p>Counsel for Beaufort County</p>


 Thomas A. Bendle, Jr. Esquire
 Counsel for Respondent Jasper County
 Auditor and Jasper County Treasurer

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* Certified Mediator

VIA Electronic Filing (ctappfilings@sccourts.org) and U.S. Mail

January 30, 2023

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

Re: City of Hardeeville v Jasper County
Civil Action No.: 2022-001266
Our File No.: 12610.1 TAB

Dear Ms. Kitchings:

Enclosed for filing are the Respondents Jasper County Auditor and Jasper County Treasurer's Initial Brief, with Certificate of Service and Respondent Jasper County Auditor and Jasper County Treasurer's Designation of Matter with Certificate of Service;

By copy of this correspondence, I am serving all counsel of record with a copy of the attached, via email and U.S. Mail.

If you have any questions, please feel free to contact our office.

With kindest regards, I am

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.



Thomas A. Bendle, Jr.
TAB/bg

cc: Mr. Walter H. Cartin, Esquire (via email and US Mail)
J. Evan Phillips, Esquire (via email and US Mail)
Bernie W. Ellis, Esquire (via email and US Mail)
Michael E. Kozlarek, Esquire (via email and US Mail)
Thomas Keavney, Esquire (via email and US Mail)