

RECEIVED

Feb 13 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
In the Court of Common Pleas for the Ninth Judicial Circuit

The Honorable Roger M. Young, Circuit Court Judge

Appellate Case No. 2022-001385
Berkeley County Case No. 2017-CP-08-02238

Matthew ZetzAppellant,

v.

Daniel Island Company, Inc.,
Daniel Island Community Foundation, Inc.,
Daniel Island Town Association, Inc., and
MGR Resources, Inc. d/b/a Moonlighting
Landscape Lighting Systems Defendants

Of which Daniel Island Company, Inc. is theRespondent

**DESIGNATION OF MATTER FOR INCLUSION IN THE RECORD ON APPEAL
BY RESPONDENT DANIEL ISLAND COMPANY, INC.**

K. Michael Barfield (S.C. Bar No. 69400)
Allison M. Burns (S.C. Bar No. 105265)
Barnwell Whaley Patterson & Helms, LLC
P.O. Drawer H
Charleston, SC 29402
mbarfield@barnwell-whaley.com
aburns@barnwell-whaley.com
(843) 577-7700
***Counsel for Respondent Daniel Island
Company, Inc.***

Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Respondent Daniel Island Company, Inc. (“Respondent”) hereby designates the following materials to be included in the Record on Appeal in this matter in connection with its Initial Brief of Respondent. Each item designated **is to include all attachments or exhibits** to the original of the referenced item. Respondent intends to designate each and every item from the record that it cites in its Initial Brief of Respondent in this matter. Respondent expressly reserves the right to seek supplementation of the record pursuant to Rules 209 and 212, SCACR. Respondent designates the following matters for inclusion in the Record on Appeal (including any and all exhibits or attachments thereto):

1. October 2, 2017 Matthew Zetz’s Complaint
2. November 8, 2019 Matthew Zetz’s First Amended Complaint
3. April 29, 2020 Matthew Zetz’s Second Amended Complaint
4. May 20, 2020 Daniel Island Company’s Answer to Appellant’s Second Amended Complaint
5. September 14, 2020 Daniel Island Company’s Motion for Summary Judgment
6. October 12, 2020 Daniel Island Company’s Memorandum in Support of its Motion for Summary Judgment
7. October 12, 2020 Affidavit of Amy Moyer in Support of Daniel Island Company’s Motion for Summary Judgment
8. October 12, 2020 Matthew Zetz’s Memorandum in Opposition to Daniel Island Company’s Motion for Summary Judgment (including all exhibits thereto)
9. October 15, 2020 Addendum to Affidavit of Amy Moyer in Support of Daniel Island Company’s Motion for Summary Judgment
10. October 19, 2020 Matthew Zetz’s Supplemental Memorandum in Opposition to Daniel Island Company’s Motion for Summary Judgment
11. October 20, 2020 Transcript of Hearing
12. August 16, 2022 Daniel Island Company’s Memorandum in Support of its Motion for Summary Judgment (including all exhibits thereto)

13. August 23, 2022 Matthew Zetz's Memorandum in Opposition to Daniel Island Company's Motion for Summary Judgment
14. August 24, 2022 Transcript of Hearing
15. August 25, 2022 Matthew Zetz's Supplemental Memorandum in Opposition to Daniel Island Company's Motion for Summary Judgment
16. August 26, 2022 Daniel Island Company's Supplemental Memorandum in Support of its Motion for Summary Judgment
17. September 9, 2022 Order Granting Daniel Island Company's Motion for Summary Judgment
18. October 4, 2022 Notice of Appeal of Matthew Zetz
19. May 9, 2022 Deposition of Matthew Sloan (pp. 15-16, 18-21, 63-65)
20. September 14, 2021 Deposition of Kay Fabrizio (p. 66)

Respondent Daniel Island Company, Inc. certifies, pursuant to S.C.A.C.R., Rule 209(c), that the designations set forth above are relevant to the appeal in this matter, and that it has not designated any matter that is irrelevant to the issues before the Court.

Barnwell Whaley Patterson & Helms, LLC

s/K. Michael Barfield

K. Michael Barfield (S.C. Bar No. 69400)

Allison M. Burns (S.C. Bar No. 105265)

P.O. Drawer H

Charleston, SC 29402

mbarfield@barnwell-whaley.com

aburns@barnwell-whaley.com

(843) 577-7700

***Counsel for Respondent Daniel Island Company,
Inc.***

February 13, 2023
Charleston, South Carolina