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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
The Honorable Courtney Clyburn Pope, Circuit Court Judge
Beaufort County
Trial Court Case No. 2021-CP-07-1078

APPELLATE CASE NO. 2023-000581

James Ware, Alisa Ware, Henry Spahr, Elaine Spahr,
Julie Sanders, William Craig Denny, Jeff Toomer, Allyson Toomer,
Louise E. Davis, Donna Nutty, Thomas J. MacDonald,
Michael G. MacDonald, Susanne B. MacDonald, Arlene Coleman,
William H. McGee, Patti M. MacDonald, Scott M. MacDonald,
Rose F. McGee, Jason DuBose, Amanda DuBose, Ronald L. Broome,
Lawrence E. Jones, D. Diane Burr, Mark H. Thomas, Kelly C. Thomas,
William Matthew Yollo, Nancy H. Yollo, Joseph DeAngelis,
Beth DeAngelis, Shelly Horn, Theodore Brammer, Allison Brammer,
Waymon W. Durden, Constance C. Durden, David C. Powell,

Respondents,

v.

Beaufort County, HPCCA Ferry Company, Inc., and
The Daufuskie Island Ferry Service, LLC,

Defendants,

of which Beaufort County is the Appellant.

RESPONDENTS' DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON
APPEAL

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

1. Order granting Preliminary Injunction filed February 21, 2023.
2. Order Denying Defendant Beaufort County's Motion for Alteration and Amendment of the Court's Order of February 21, 2023, or, Alternatively, for a New Hearing filed March 16, 2023.
3. Order Granting Stay of Further Proceedings in this Case Pending Final Disposition of Appeal of Preliminary Injunction filed February 22, 2023.
4. Order Denying Plaintiffs' Motion to Alter or Amend the Court's Order Granting a Stay of Further Proceedings Pending Final Disposition of Appeal filed March 16, 2023.
5. Form 4 Order Granting Plaintiffs' Motion for Partial Summary Judgment and Temporary Restraining Order filed May 24, 2022.
6. Order Amending and Supplementing the Court's Form 4 Order of May 24, 2022, filed August 25, 2022.
7. Order Denying Defendant Beaufort County's Motion to Dismiss filed October 27, 2021.
8. Complaint filed June 11, 2021.
9. Motion to Dismiss and Memorandum in Support of Defendant Beaufort County filed July 9, 2021.
10. Answer of Defendants HPCCA Ferry Company, Inc., and The Daufuskie Island Ferry Service, LLC, filed September 14, 2021.
11. Answer of the Defendant Beaufort County filed November 10, 2021.
12. Amended Answer of the Defendant Beaufort County filed October 11, 2022.
13. Motion of Defendant Beaufort County for a Stay of Further Proceedings in this Case Pending Disposition of the Appeal in the Event of Issuance of a Preliminary Injunction filed October 28, 2022.
14. Plaintiffs' Motion for a Partial Summary Judgment, for a Temporary Injunction Against All Defendants, and for an Order Setting Trial of the Remaining Causes of Action filed March 14, 2022.

15. Plaintiffs' Memorandum in Support of Motion for Partial Summary Judgment and Temporary Restraining Order filed May 16, 2022.

16. Memorandum of Defendant Beaufort County Opposing Plaintiffs' Consolidated Motions for Partial Summary Judgment, for Temporary Injunction, and for Order Setting Trial filed May 16, 2022.

17. Defendant Beaufort County's Motion for Alteration and Amendment of the Court's Order of May 24, 2022, or, Alternatively, for a New Hearing filed June 3, 2022.

18. Plaintiffs' Renewed Motion for a Preliminary Injunction Against All Defendants filed October 3, 2022.

19. Defendant Beaufort County's Exhibit in Opposition to Plaintiffs' Renewed Motion for Preliminary Injunction with exhibit (transcript of record from the hearing held before the Honorable Bentley Price on August 3, 2022).

20. References at the Virtual hearing to Record Filings by Defendant Beaufort County filed January 4, 2023.

21. Defendant Beaufort County's Motion for Alteration and Amendment of the Court's Order of February 21, 2023, or, Alternatively, for New Hearing filed March 2, 2023.

22. Plaintiffs' Motion to Alter or Amend Order Granting Stay of Further Proceedings in this Case Pending Final Disposition of Appeal of Preliminary Injunction as Entered on February 22, 2023, filed March 2, 2023.

23. Affidavit of Alisa Ware with exhibits filed March 14, 2022.

24. Affidavit of Amanda DuBose without duplicative exhibits filed March 14, 2022.

25. Affidavit of James Ware without duplicative exhibits filed March 14, 2022.

26. Affidavit of Ronald L. Broome without duplicative exhibits filed March 14, 2022.

27. Affidavit of Zach Drescher filed March 14, 2022.

28. Affidavit of Thomas Taylor with exhibits filed March 14, 2022.

29. Affidavit of David Wilhelm with attachment filed May 16, 2022.

30. Affidavit of Robert Merchant with exhibits filed May 16, 2022.

31. Second Affidavit of Robert Merchant with exhibits filed October 11, 2022.
32. Affidavit of Jared Fralix, P.E., filed October 11, 2022.
33. Affidavit of Henry Criss filed October 25, 2022.
34. Affidavit of Henry Amundson filed November 14, 2022.
35. Affidavit of Neil Turner filed January 2, 2023.
36. Transcript of Record from the hearing held before the Honorable Courtney Clyburn Pope on January 5, 2023.
37. Transcript of Record from the hearing held before the Honorable Bentley Price on August 3, 2022.
38. Order Amending And Supplementing The Court's Form 4 Order Of May 24, 2022 as filed on August 24, 2022.

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

Respectfully submitted,

s/Thomas C. Taylor

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Bluffton, South Carolina
August 7, 2023