

**RECEIVED**  
JUL 11 2013  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

W. Jeffrey Young, Circuit Court Judge

---

App. Case. No. 2013-000020  
Case No. 2011-CP-10-3241

---

Keith Roberts and Lot 12 Yellow House, L.L.C.,

Appellants,

v.

Randall J. Drew,

Respondent.

---

**RESPONDENT'S RULE 209 DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL**

---

July 8, 2013

David W. Overstreet, Esq.  
Andrew W. Countryman, Esq.  
Carlock, Copeland & Stair, LLP  
40 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
(843) 727-0307  
**Attorneys for Respondent**

Respondent proposes the following items be included in the Record on Appeal:

1. Pls. Compl. (May 3, 2011)
2. Def. Ans. (May 20, 2011)
3. Pls. Ans. to Def. Ints. (Jun. 23, 2011)
4. Transcr. Dep. Randall J. Drew (Feb. 14, 2012)<sup>1</sup>
5. Def. Mot. for S.J. (Apr. 24, 2012)
6. Transcr. Dep. T. Stone (Apr. 25, 2012) (filed as Ex. 8 to Pls. Br. in Opp. to Def. Mot. for S.J.)
7. Def. Br. in Supp. Mot. for S.J. (Jun. 18, 2012), including the following Exhibits:
  - A. Notice of Intent to Revoke Dock Permit (Nov. 22, 2004)
  - B. Final Order and Decision in case SCDHEC v. Stone, 05-ALJ-07-003-CC (Jun. 3, 2005)
  - C. Assignment/Transfer Form (undated)
  - D. Email S. Bryant to C. Mimms (Nov. 13, 2006)
  - E. Ltr. S. Bryant to C. Mimms (Nov. 16, 2006)
  - F. Ltr. M. Shahid to K. Roberts (Dec. 6, 2006)
  - G. Ltr. S. Bryant to C. Mimms (Jan. 18, 2007)<sup>2</sup>
  - H. Ltr. B. Hagood, Jr. to C. Mimms (Feb. 7, 2007)
  - I. Ltr. M. Shahid to K. Roberts (Jul. 26, 2007)
  - J. Ltr. F. Trapp to M. Shahid (Jul. 23, 2007)
  - K. Ltr. F. Trapp to K. Roberts (Aug. 8, 2007)
  - L. Email K. Roberts to R. Drew (Jan. 30, 2008)
  - M. Email C. Walker to F. Trapp (Jan. 30, 2008)

---

<sup>1</sup> Deposition transcripts include all exhibits to the transcripts.

<sup>2</sup> This document is incorrectly dated 2006.

- N. Ltr. F. Trapp to R. Drew (Feb. 6, 2008)
- O. Ltr. K. Roberts to Sen. L. Graham (Feb. 29, 2008)
- P. Ltr. W. Beam to K. Roberts and P. Cogan (Apr. 29, 2008)
- Q. Transcr. Dep. K. Roberts (Nov. 14, 2011)
- R. Transcr. Dep. M. Shahid (Apr. 25, 2012)
- 8. Pls. Br. in Opp. to Mot. for S.J. (Jul. 23, 2012)
- 9. Transcr. of hrg. for Mot. for S.J. (Jul. 23, 2012)
- 10. Order granting S.J. (Oct. 24, 2012)
- 11. Mot. to Alter or Amend Order granting S.J. (Nov. 11, 2012)
- 12. Order denying Mot. to Alter or Amend (Dec. 27, 2012)

I certify that this designation contains no matter which is irrelevant to this appeal.<sup>3</sup>

July 8, 2013



CARLOCK, COPELAND & STAIR, LLP  
David W. Overstreet, Esq.  
State Bar No. 16965  
Andrew W. Countryman, Esq.  
State Bar No. 72700

40 Calhoun Street, Suite 400  
Charleston, SC 29401-3531  
(843) 727-0307

**Attorneys for Respondent**

---

<sup>3</sup> Respondent questions the propriety of Appellants' inclusion of material in their Designation of Matter to be Included in the Record on Appeal that was not filed with or otherwise presented to the court before or at the hearing for the Motion for Summary Judgment, but which Appellants' counsel volunteered after the hearing without invitation by the trial judge. This material includes Appellants' counsel's letter to Judge Young of July 25, 2012 and Edisto Title Services' memorandum dated November 14, 2007 (submitted with the Jul. 25, 2012 letter).

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED  
JUL 11 2013  
SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

W. Jeffrey Young, Circuit Court Judge

App. Case. No. 2013-000020  
Case No. 2011-CP-10-3241

Keith Roberts and Lot 12 Yellow House, L.L.C.,

Appellants,

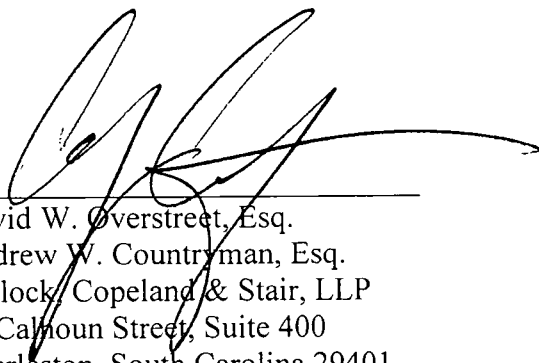
v.

Randall J. Drew,

Respondent.

**PROOF OF SERVICE**

I certify that I have served the Respondent's Designation of Matter to be included in the Record on Appeal on Appellants by depositing a copy in the United States Mail, postage prepaid, on July 8, 2013, addressed to counsel for the Appellants, Thomas A. Pendarvis and Catherine B. Kerney, 500 Carteret Street, Suite A, Beaufort, South Carolina 29909-5066.



David W. Overstreet, Esq.  
Andrew W. Countryman, Esq.  
Carlock, Copeland & Stair, LLP  
40 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
(843) 727-0307  
**Attorneys for Respondent**