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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of the Appeals

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

The Honorable Mikell R. Scarborough, Master-in-Equity

Appellate Case No. 2023-000773

**Dustin Grotzke, Christine Grotzke, Leo Cornejo, Steve Falciani
Nancy Falciani, Robert St. Louis, Lindsay Layton, Roger Woolf,
Roberta Woolf, Nancy Zaj, Meg White, Joey Winchester, Kelly
Hill, Mary Thaler, Ed Thaler, Lisa Essig, Brianna Stello, Jennifer
Sellars, Dominique Powell, Jennifer Mayo and James Hardy.....Respondents,**

v.

**Mariner's Cay Racquet & Yacht Club Homeowners' Association,
Inc.....Appellant.**

**RESPONDENTS' DESIGNATION OF MATTER FOR INCLUSION
IN THE RECORD OF APPEAL**

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Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Appellant Mariner's Cay Racquet & Yacht Club Homeowners' Association, Inc. ("Appellant") hereby designates the following materials to be included in the Record on Appeal in this matter in connection with its Initial Brief of Appellant. Each item designated **is to include all attachments or exhibits** to the original of the referenced item. Appellant intends to designate each and every item from the record that it cites in its Initial Brief of Appellant in this matter. Appellant expressly reserves the right to seek supplementation of the record pursuant to Rules 209 and 212, SCACR.

Appellant designates the following matters for inclusion in the Record on Appeal (including any and all exhibits or attachments thereto):

1. June 24, 2019 Summons and Complaint
 - Ex. A: Master Deed for Mariner's Cay Racquet and Yacht Club
 - Ex. B: Oct. 5, 2018 Email
 - Ex. C: Oct. 19, 2018 Email
 - Ex. D: May 28, 2019 Email
2. Sept. 10, 2019 Answer and Counterclaims of Defendant/Third-Party Plaintiff
3. Jan. 20, 2020 Consent Order of Reference to Master-in-Equity
4. February 21, 2022 Plaintiffs' Motion and Incorporated Memorandum to Quash Discovery or in the Alternative Protective Order
 - Ex. A Interrogatories to Plaintiffs
 - Ex. B Requests to Produce to Plaintiffs
5. July 8, 2022 Defendant's Motion for Partial Summary Judgment
6. July 8, 2022 Plaintiffs' Motion for Summary Judgment
7. July 15, 2022 Memorandum in Support of Defendant/Third-Party Plaintiffs Motion for Partial Summary Judgment and in Opposition to Plaintiffs Motion for

Summary Judgment

8. July 15, 2022 Plaintiffs' Memorandum in Support of Motion for Summary Judgment
9. July 16, 2022 filed Affidavit of Leonardo Cornejo (Ex. F to Plaintiffs' Memorandum in Support of Motion for Summary Judgment)
10. July 19, 2022 Hearing Transcript
11. Aug. 8, 2022 Plaintiffs' Motion to Amend Complaint

Ex. A: Proposed Amended Complaint

12. August 22, 2022 Defendant's Memorandum in Opposition to Plaintiff's Motion to Amend
13. September 16, 2022 Plaintiffs' Reply Brief re: Motion to Amend

Ex. A: July 14, 2022 Affidavit of Roger Camp in Support of Defendant's Motion for Partial Summary Judgment (and Ex. A thereto, Post- July 1, 2019 Mariner's Cay Condo Sales)

Ex. B: Master Deed for Mariner's Cay Racquet and Yacht Club with By- Laws

Ex. C: Temporary Moratorium of Short-Term Rentals (Recorded Nov. 13, 2019)

Ex. D: Temporary Moratorium Regarding Future Renting within the Mariner's Cay Community (Recorded March 18, 2020)

Ex. E: Amended Temporary Moratorium Regarding Future Renting Within the Mariner's Cay Community (Recorded April 22, 2021)

Ex. F: Amended Temporary Moratorium Regarding Future Renting Within the Mariner's Cay Community (Recorded April 28, 2022)

Ex. G: *Pandharipande v. FSD Corp.* Case

Ex. H: *Williamson v. Bermuda Run Investor Dev. Grp., Inc.* Case

14. September 18, 2022 filed Affidavit of Jennifer Sellars
15. Aug. 22, 2022 Defendant's Memorandum in Opposition to Plaintiffs' Motion to Amend Complaint
16. Sept. 19, 2022 Hearing Transcript
17. March 29, 2023 Order
18. April 10, 2023 Motion to Alter or Amend March 29, 2023 Order
19. April 12, 2023 Defendant's Answer to Amended Complaint and Counterclaims
20. April 17, 2023 Form 4 Order
21. May 5, 2023 Plaintiffs' Reply to Counterclaims of Defendant
22. May 10, 2023 Defendant's Notice of Appeal

Ex. A: March 29, 2023 Order

Ex. B: April 17, 2023 Order

[SIGNATURE PAGE FOLLOWS]

*Dustin Grotzke, et al v.
Mariner's Cay Racquet & Yacht Club Homeowners' Association
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IN THE RECORD OF APPEAL*

CLARKSON MCALONIS & O'CONNOR, P.C.

A handwritten signature in blue ink that reads "Sean A. O'Connor". The signature is written in a cursive, somewhat stylized font.

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October 18, 2023