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Nov 13 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM HORRY COUNTY

Court of Common Pleas
Fifteenth Judicial Circuit

The Honorable Daniel Coble,
Circuit Court Judge

APPELLATE CASE NO. 2023-000295

Gary L. Park and Cynthia Park..... Appellants,

vs.

Scott Barry Gutovitz and Caron Dawn Gutovitz..... Respondents,

**APPELLANTS' AMENDED DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Gary L. Park and Cynthia Park, pursuant to Rule 209, SCACR, designate the following material to be included in the Record on Appeal:

ORDERS AND DECISIONS:

1. Order of the Honorable Benjamin H. Culbertson, Form 4, Granting Temporary Injunction, December 17, 2019.
2. Order of the Honorable Benjamin H. Culbertson, form 4, Denying Defendants' Motion for Partial Summary Judgment, December 17, 2019.
3. Order of the Honorable Benjamin H. Culbertson, Granting Temporary Injunction, February 10, 2020.
4. Order of the Honorable Paul M. Burch, Form 4; Granting Motion to Amend Complaint, March 11, 2020;
5. Order of the Honorable William H. Seals, Jr., Form 4, Denying Motion for Summary Judgment, January 26, 2021.

6. Order of the Honorable William H. Seals, Jr., Form 4, Granting Motion to Dissolve Injunction and Bond Money to be Released, January 26, 2021 .
7. Order of the Honorable William H. Seals, Jr., Dissolving Temporary Injunction, February 9, 2021.
8. Order of the Honorable Robert Scott Sprouse, Granting Consolidation, March 3, 2022;
9. Order of the Honorable William H. Seals, Jr., form 4 (*Park v. Gutovitz*, 2019-CP-26-02083) & *Gutovitz v. Park*, 2019-CP-26-02152), All Remaining Motions to be filed and heard before the Honorable Daniel Coble and cases given date certain for trial, November 7, 2022;
10. Order of the Honorable Daniel Coble, February 10, 2023, Denial of Denial of Motion to Strike Jury Trial Demand (Case Number 2019-LP-00363);
11. Order of the Honorable Daniel Coble, February 24, 2023, Denial of Denial of Motion to Strike Jury Trial Demand (Case Number 2019-LP-02152);

PLEADINGS

12. Notice of Lis Pendens, March 15, 2019, Case Number 2019-LP-00363;
13. Complaint, Parks vs. Gutovitzs, April 5, 2019, Civil Action Number 2019-CP-26-02083, with Complaint Exhibits A through I;
 - a. Complaint Exhibit A: Plat of Lots, February 1939;
 - b. Complaint Exhibit B: Scenic Easement, July 13, 2017;
 - c. Complaint Exhibit C: Scenic Easement Plat, May 2017;
 - d. Complaint Exhibit D: Amendment of Scenic Easement, September 19, 2018;
 - e. Complaint Exhibit E: Exhibit A to Amendment of Scenic Easement, July 2018;
 - f. Complaint Exhibit F: Picture of Deck, Violation of Easement, November 2018;
 - g. Complaint Exhibit G: Cease and Desist Letter from McNair Law Firm, November 16, 2018;
 - h. Complaint Exhibit H: Email from Robert Guyton, Esquire, November 29, 2018 (confirming breach of easement);
 - i. Complaint Exhibit I: Cease and Desist Letter from Bellamy Law Firm, December 17, 2018;
14. Complaint, *Gutovitzs vs Parks*, April 8, 2019, Civil Action Number 2019-CP-26-02152;
15. Answer of Gutovitz, April 18, 2019, Jury Trial Demanded, Civil Action Number 2019-CP-26-02083;
16. Answer of Parks, May 13, 2019, Civil Action Number 2019-CP-26-02152;
17. Amended Complaint of the Gutovitzs, March 16, 2020, Civil Action Number 2019-CP-26-02152;
18. Amended Answer and Counterclaims of the Parks, March 27, 2020, Civil Action Number 2019-CP-26-02152;

19. Reply of the Gutovitzs, April 4, 2020, Civil Action Number 2019-CP-26-02152;
20. Parks' Notice of Appeal, February 24, 2023;

TRANSCRIPT:

21. Transcript of Record, February 7, 2023, The Honorable Dennis Coble, Motions Hearing on the Parks' Motion for Sanctions, Motion for Summary Judgment and Strike Jury Demand, and Motion to Exclude Testimony of Alan Campbell, P.E.;

MOTIONS AND OTHER FILINGS:

22. Parks' Motion for Injunction & Memorandum in Support, October 28, 2019.
23. Gutovitzs' Motion to Amend Complaint; January 24, 2020.
24. Gutovitzs' Motion to Dissolve Injunction, October 10, 2020.
25. Parks' Opposition to Ending Injunction, November 6, 2020.
26. Parks' Motion in Opposition, November 9, 2020.
27. Gutovitzs' Motion to Consolidate Cases, December 17, 2021;
28. Parks' Motion to Strike Jury Demand & Summary Judgment, November 18, 2022;
29. Gutovitzs' Response to Motion for Summary Judgment, February 6, 2023.

The undersigned certifies that this amended designation contains no matter which is irrelevant to this Appeal.

Respectfully submitted,

**BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P.A.**

P.O. Box 357
Myrtle Beach, SC 29578
(843) 448-2400
Attorneys for Appellants

/s George W. Redman, III

George W. Redman, III SCB#72365
GRedman@BellamyLaw.com
Robert S. Shelton SCB#68543
RShelton@BellamyLaw.com

November 13, 2023.

Other Counsel of Record:

Gene M. Connell, Jr.
S.C. Bar No. 1358
Kelaher, Connell & Connor, P.C.
The Courtyard, Suite 209
1500 U.S. Highway 17 North
Surfside Beach, SC 29587
(843) 238-5648
gconnell@classactlaw.net
Attorneys for Scott Barry Gutovitz and Caron Dawn Gutovitz

L. Morgan Martin
S.C. Bar No. 3667
Law Offices of L. Morgan Martin, P.A.
1121 Third Avenue
Conway, SC 29526
(843) 248-3177
mmartin@lmorganmartin.com
Attorneys for Scott Barry Gutovitz and Caron Dawn Gutovitz

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PROOF OF SERVICE

Pursuant to SCACR Rules 262(a)(3) and (c)(3), 613, 614, and Orders 2022-05-06-03 and 2022-05-06-04 of the Supreme Court of South Carolina, I certify that Appellants' Appellants' Amended Designation of Matter to be included in the Record on Appeal was electronically served upon Counsel for Respondents, Scott Barry Gutovitz and Caron Dawn Gutovitz, by way of the attached email sent on November 13, 2023, to the primary e-mail address listed for each attorney in the Attorney Information System.

**BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P.A.**

P.O. Box 357
Myrtle Beach, SC 29578
(843) 448-2400
Attorneys for Appellants

/s George W. Redman, III
George W. Redman, III SCB#72365
GRedman@BellamyLaw.com
Robert S. Shelton SCB#68543
RShelton@BellamyLaw.com

November 13, 2023

Other Counsel of Record:

Gene M. Connell, Jr.
S.C. Bar No. 1358
Kelaher, Connell & Connor, P.C.
The Courtyard, Suite 209
1500 U.S. Highway 17 North
Surfside Beach, SC 29587
(843) 238-5648
gconnell@classactlaw.net
Attorney for Scott Barry Gutovitz and Caron Dawn Gutovitz

L. Morgan Martin
S.C. Bar No. 3667
Law Offices of L. Morgan Martin, P.A.
1121 Third Avenue
Conway, SC 29526
(843) 248-3177
mmartin@lmorganmartin.com
Attorney for Scott Barry Gutovitz and Caron Dawn Gutovitz

From: Redman, George W
Sent: Monday, November 13, 2023 5:48 PM
To: gconnell@classactlaw.net; mmartin@lmorganmartin.com; basmith@classactlaw.net; lmoore@lmorganmartin.com
Cc: RShelton@BellamyLaw.com; Richardson, Nicole M. <NRichardson@bellamylaw.com>; Meier, Len <LMeier@bellamylaw.com>
Subject: Park and Park v. Gutovitz and Gutovitz; Appellate Case No. 2023-000295

Gene and Morgan,

Attached please find Appellants' Amended Designation of Matter which we are serving upon you via this email, and which we will be filing with the Court momentarily.

With kindest regards,

George.



George W. Redman III

Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, P.A.

Office: (843) 448-2400

Direct Dial: (843) 916-7160

Mobile: (843) 446-7906

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