

RECEIVED

Nov 15 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

The Honorable Benjamin H. Culbertson, Circuit Court Judge

CASE NO. 20-CP-22-00930
CASE NO. 20-CP-22-00931
CASE NO. 20-CP-22-00932

M. Baron Stanton,Appellant,

v.

Town of Pawleys Island,.....Respondent.

and

Franklin D. Beattie, as trustee of the Franklin D. Beattie
Preservation Trust,Appellant,

v.

Town of Pawleys Island,.....Respondent.

and

Sunset Lodge, LLC,Appellant,

v.

Town of Pawleys Island,.....Respondent.

APPELLANTS'
DESIGNATION OF MATTER
TO BE INCLUDED IN THE
RECORD ON APPEAL
(Including Certificate of Counsel)

Appellants designate the following pursuant to Rule 209, SCACR, and their counsel hereby certifies by his signature, that this designation contains no matter which is irrelevant to the appeal:¹

Orders, Decrees, and Decisions

1. April 1, 2021 Form 4 order taking cases under advisement and directing both counsel to submit proposed orders
2. April 22, 2021 Form 4 order granting motions
3. April 1, 2021 order granting motions
4. June 3, 2021 Form 4 order denying reconsideration
5. July 12, 2022 Form 4 order denying reconsideration of Form 4
6. December 22, 2022 Form 4 continuing hearing on amendment of Form 4 and petition for expenses
7. January 11, 2023 Form 4 continuing trial
8. March 9, 2023 Form 4 granting reconsideration of Form 4 ending case
9. April 14, 2023 Form 4 directing directing both counsel to submit proposed orders
10. April 17, 2023 Form 4 re trial roster noting case on appeal
11. June 8, 2023 granting fees
12. June 8, 2023 Form 4 entering judgments
13. June 28, 2023 Form 4 denying reconsideration
14. [The April 5, 2021 order of Judge Nettles in Challenge I re-entering January 20, 2021 24-page order granting Landowner summary judgment, with exception of footnote.is accessible under the “other papers” header as an exhibit.]

Pleadings

¹ Unless otherwise specified, all designations (including those not mentioning exhibits, attachments, or other accompanying filed materials), are with all exhibits, attachments or other accompanying filed materials, but without certificates of service.

15. [October 16, 2020 Town condemnation notice to Sunset is included once as Exhibit A to Exhibit 1 (December 6, 2020 affidavit of papers first served) to the amended complaint.]
16. November 12, 2020 Landowner summons and complaint
17. December 14, 2020 Town answer to complaint
18. January 13, 2021] Landowner amended complaint, with all exhibits (1, 1A, 1B, 1C, 2, and 3)
19. March 3, 2021 Town answer to amended complaint

Transcripts

20. June 8, 2023 hearing transcript

Exhibits and Other Materials or Documents

21. Electronic docket sheet with notations of roster notices, other electronic notices, and filings
22. October 12, 2020 resolution (first version) of Town Council [included once as exhibit to am. cmplt.]
23. October 12, 2020 resolution (second version) of Town Council [included once as exhibit to am. cmplt.]
24. January 10, 2021 Landowner first interrogatories to Town [included once as exhibit to Town March 3, 2021 motion to stop discovery]
25. January 15, 2021 Landowner notice of deposition of then Town Administrator (Fabbri) [included once as exhibit to Town March 3, 2021 motion to stop discovery]
26. February 10, 2021 Town notice re abandonment
27. March 3, 2021 Town motion to stop discovery, with exhibits (2)
28. March 5, 2021 Town motion to dismiss
29. March 31, 2021 Landowner memorandum in opposition
30. March 31, 2021 Town memorandum in support
31. March 31, 2021 Landowner memorandum in reply, opposition

32. April 15, 2021 Landowner transmittal e-mail, three 33-page proposed orders, and three one-page proposed orders
33. April 15, 2021 Town proposed order
34. April 22, 2021 Landowner motion for reconsideration
35. June 2, 2021 Town memorandum in opposition
36. June 14, 2021 Town motion to reconsider Form 4
37. July 22, 2022 Landowner motion to reconsider Form 4
38. September 7, 2022 stipulation of parties
39. October 7, 2022 order of Court of Appeals dismissing appeal by agreement
40. October 21 2022 motion for expenses, with affidavit, four exhibits (all) to aff., proposed ord., and prop. Form 4
41. November 21, 2022 notice of Dec. 15 hearing
42. December 6, 2022 notice of Dec. 15 hearing
43. December 12, 2022 aff. of Dillard, with exhibit
44. December 12, 2022 aff. of DuRant, with exhibit
45. December 13, 2022 Town memorandum in opposition to mot. espenses
46. March 8, 2023 Landowner updated aff.
47. March 8, 2023 Landowner memorandum in reply (support) re expenses, with all exhibits (A-C)
48. April 14, 2023 Landowner proposed order and Form 4
49. April 28, 2023 Town proposed order
50. April 28, 2023 e-mail Stanton to J. Culbertson re Town prop. ord.
51. June 8, 2023 Landowner aff update
52. June 20, 2023 Landowner mot. reconsid. ord. re expenses
53. June 20, 2023 Landowner erratum or amendment of mot. reconsid.

54. June 20, 2023 Landowner second erratum or amendment of mot. reconsid.

Each designation is for all three counterparts from all three cases, unless the parties stipulate as follows. Suggested to Respondent's counsel is a stipulation that reference to a paper in one Challenge I case or Challenge II case is taken as an accurate reference to the corresponding papers and passages in the other two Challenge I or Challenge II cases, and a stipulation to including less than all the material designated herein, to wit, including, where substantially identical to corresponding papers in the other cases, one designated representative pleading, order, or other paper from the Sunset challenge case rather than from all three cases, and a stipulation that either party may explicitly designate separate additional inclusion of the counterpart of such an item, or later supplement the record with the designated papers from the other two challenge cases if that party deems it desirable to do so.

s/M. Baron Stanton

M. Baron Stanton (S.C. Bar#7970)
STANTON LAW OFFICES, P.A.
123o Main Street
P. O. Box 245
Columbia, South Carolina 29202
803-929-1484 (use 803-530-2642 pending changes)
bstanton@stantonlaw.com

Date: November 15, 2023

ATTORNEY FOR APPELLANTS
M. Baron Stanton, Franklin D. Beattie, as trustee,
and Sunset Lodge, LLC

RECEIVED

Nov 15 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

The Honorable Benjamin H. Culbertson, Circuit Court Judge

CASE NO. 20-CP-22-00930
CASE NO. 20-CP-22-00931
CASE NO. 20-CP-22-00932

M. Baron Stanton,Appellant,

v.

Town of Pawleys Island,.....Respondent.

and

Franklin D. Beattie, as trustee of the Franklin D. Beattie
Preservation Trust,Appellant,

v.

Town of Pawleys Island,.....Respondent.

and

Sunset Lodge, LLC,Appellant,

v.

Town of Pawleys Island,.....Respondent.

CERTIFICATE OF SERVICE

I, M. Baron Stanton, do hereby certify that I have, on this date, served the foregoing **Appellants' Designation of Matter to be Included in the Record on Appeal** upon the Respondent by causing a copy to be e-mailed in accordance with current rules to will@belsarpa.com . The postal mailing address of the above addressee is:

William C. Dillard, Jr., Esquire
Post Office Box 96
Columbia, SC 29202

s/M. Baron Stanton

M. Baron Stanton

Date: November 15, 2023