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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
R. Keith Kelly, Circuit Court Judge

Circuit Court Case No. 2022-CP-10-03328
Appellate Case No. 2023-001006

Justin O'Toole Lucey, Appellant,

v.

The Town of Mount Pleasant, South Carolina, and
WIN515, LLC, Respondents.

**APPELLANT'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellant Justin O'Toole Lucey ("Lucey") proposes that the following be included in the Record on Appeal:

1. Lucey's Summons and Complaint filed July 25, 2022
 - a. Exhibit A to Complaint: June 27, 2022 Letter from Lucey to The Town of Mount Pleasant, South Carolina ("Town")
2. Respondent WIN515, LLC's ("WIN515") Motion to Dismiss filed August 8, 2022
3. Town's Notice of Opposition and Submission of the Record Before the Design Review Board ("DRB") filed August 24, 2022, and DRB record filed therewith:
 - a. Exhibit A: June 29, 2022 DRB Meeting Agenda
 - b. Exhibit B: June 29, 2022 DRB Meeting Minutes
 - c. Exhibit C: Correspondence attached to June 29, 2022 DRB Meeting Agenda

- d. Exhibit D: DRB June 29, 2022 Staff Report
- e. Exhibit E: 515 Coleman Final Approval Submittal dated June 29, 2022
4. WIN515's Memorandum of Law in Support of Motion to Dismiss filed January 20, 2023
 - a. Exhibit A: Town's Code of Ordinances §§ 156.420 – 156.422
5. Lucey's Memorandum Opposing WIN515's Motion to Dismiss filed January 23, 2023
 - a. Exhibit A: Screenshots of Exemplar Town Webpages
 - b. Exhibit B: July 5, 2022 Letter from the Town to Lucey, sent in response to Lucey's June 27, 2022 Letter
 - c. Exhibit C: Affidavits of Service of the Summons and Complaint on the Town and WIN515
6. Town's Memorandum in Support of WIN515's Motion to Dismiss
7. Transcript of January 27, 2023 Hearing on WIN515's Motion to Dismiss
8. Form Order Granting Motion to Dismiss entered February 10, 2023
9. Emails between Counsel and the Lower Court Regarding Proposed Order on WIN515's Motion to Dismiss, ending with Lucey's February 17, 2023 Email
10. Order Granting WIN515's Motion to Dismiss Lucey's Appeal entered April 5, 2023
11. Lucey's Motion to Reconsider filed April 14, 2023
12. Order Denying Lucey's Motion to Reconsider entered May 23, 2023
13. Sections 156.310, 156.420, 156.421, and 156.422 of the Town's Code of Ordinances, certified as true and correct by the Town
14. Town Ordinance No. 22047, Adopted August 12, 2022, Amendment to Town Code of Ordinance § 155.420(A)(4), certified as true and correct by the Town
15. DRB's Rules of Procedure (also known as bylaws)

[Certification and Signature Follow]

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

s/Jeffrey S. Tibbals

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November 15, 2023