

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

John Hamilton Smith, Special Referee

Case No. 2010-CP-40-8943R

RECEIVED

JUL 25 2013

S.C. Supreme Court

Columbia Venture, LLC,

Appellant,

v.

Richland County,

Respondent.

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

Appellant, Columbia Venture, LLC, proposes the following matter to be included in the Record on Appeal:

Orders:

1. Order Denying Plaintiff's Motion to Reconsider, Etc. of April 22, 2013.
2. Order of March 19, 2013.
3. Order Denying Plaintiff's Motion to Reconsider, Alter, or Amend of February 13, 2013.
4. Order Granting in Part and Denying in Part Defendant's Motions for Partial Summary Judgment of September 11, 2012.
5. Order Denying Plaintiff's Motion to Reconsider, Alter, or Amend of September 4, 2012.
6. Order Granting Partial Summary Judgment to Defendant on Physical Takings Claim, and Denying Partial Summary Judgment to Plaintiff on Physical Takings Claim of August 9, 2012.
7. Consent Order of Reference of May 22, 2012.

8. Consent Order to Restore to the Docket Pursuant to Rule 40(j) and Agreements of the Parties of December 23, 2010.
9. Consent Order to Strike from Docket Pursuant to Rule 40(j) and Consent Scheduling Order of January 5, 2010.
10. Order Denying Defendant's Motion to Dismiss Pursuant to Rule 12(b)(6), SCRCF of December 2, 2009.
11. Order Denying Defendant's Motion to Dismiss Pursuant to Rule 12(b)(7), SCRCF of December 2, 2009.
12. Order Denying Defendant's Motion to Dismiss Pursuant to Rule 12(f), SCRCF of December 2, 2009.
13. Consent Order of May 2, 2005.

Pleadings:

14. Summons and Complaint of August 19, 2004.
15. Amended and Supplemental Complaint of October 5, 2009.
16. Defendant Richland County's Answer to Plaintiff's First Amended and Supplemental Complaint of December 8, 2009.
17. Notice of Motion and Motion of Defendant Richland County for Summary Judgment of Plaintiff's Due Process Claims of September 20, 2011.
18. Notice of Motion and Motion of Defendant Richland County for Summary Judgment on All Claims of March 14, 2012.
19. Notice of Motion and Motion of Defendant Richland County for Summary Judgment on Claim of Regulatory Taking of March 14, 2012.
20. Notice of Motion and Motion of Defendant Richland County for Summary Judgment on Claim of Physical Taking of March 14, 2012.
21. Columbia Venture, LLC's Notice of Motion and Motion for Partial Summary Judgment of March 14, 2012.
22. Plaintiff's Motion to Reconsider, Alter, or Amend of August 20, 2012.
23. Plaintiff's Motion to Reconsider, Alter, or Amend of September 21, 2012.
24. Plaintiff's Motion to Reconsider, Alter, or Amend Order Entered March 19, 2013, of March 29, 2013.

Transcripts:

25. Trial Transcript of September 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 2012; November 13, 14, 15, 16, 2012; December 20, 2012.
26. Motions Hearing Transcript of July 18, 2012.
27. Redacted Transcript of Deposition of Gregory Pearce taken October 27, 2011, per Designations, Objections, and Counter Designations.
28. Redacted Transcript of Deposition of J. Milton Pope taken August 24, 2011, per Designations, Objections, and Counter Designations.
29. Transcript of Deposition of Herman Wilson Tillotson, Jr., taken March 12, 2012, per Designations, Objections, and Counter Designations.
30. Redacted Transcript of Deposition of Douglas P. Wendel, taken July 12, 2011, per Designations, Objections, and Counter Designations.
31. Redacted Transcript of Deposition of Douglas P. Wendel, taken October 25, 2011, per Designations, Objections, and Counter Designations.
32. Redacted Transcript of Deposition of James E. Wiseman, III, taken September 1, 2011, per Designations, Objections, and Counter Designations.

Exhibits and Documents:

33. Plaintiff's Trial Exhibits (PTEs): 003, 004, 008, 010, 011, 012, 013, 014, 017, 018, 020, 022, 024, 026, 027, 031, 032, 034, 047, 051, 056, 057, 058, 060, 061, 062, 067, 081, 107, 108, 109, 110, 111, 112, 113, 114, 115, 117, 118, 119, 120, 122, 123, 125, 127, 128, 133, 135, 146, 147, 150, 157, 162, 166, 169, 170, 183, 184, 185, 186, 190, 191, 195, 199, 201, 203, 204, 207, 208, 209, 211, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 229, 230, 231, 233, 234, 235, 236, 237, 238, 239, 246, 247, 250, 250A, 251, 252, 254, 255, 257, 262, 264, 266, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 283, 284, 285, 286, 287, 290, 294, 299, 301, 302, 303, 304, 305, 306, 307, 308, 311, 314, 319, 320, 323, 326, 334, 335, 336, 337, 338, 344, 345, 346, 349, 350, 359, 360, 362, 365, 366, 369, 374, 378, 379, 381, 382, 391, 392, 394, 396, 397, 402, 417, 425, 430, 434, 449, 452, 474, 497, 498, 499, 500, 501, 502, 503, 504, 506, 507, 508, 509, 510, 511, 512, 513, 515, 516, 517, 518, 520, 521, 522, 523, 525, 527, 528, 529, 533, 534, 535, 536, 537, 540, 542, 543, 549, 550, 551, 553, 554, 555, 556, 557, 558, 559, 560, 567, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581.
34. Defendant's Trial Exhibits: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 20A, 21, 22, 26, 28, 29, 30, 31, 32, 33, 34, 37, 38, 39, 40, 41, 44, 45, 46, 48, 49, 50, 51, 53, 54, 55, 56, 57, 59, 62, 63, 64, 66, 67,

68, 69, 70, 71, 72, 73, 74, 76, 77, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 94, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 128, 130, 131, 133, 135, 137, 139, 140, 141, 142, 144, 145, 146, 147, 149, 150, 151, 152, 153, 156, 157, 158, 160, 161, 162, 163.

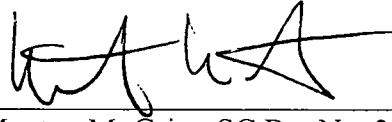
35. Deposition Exhibits to Deposition of Gregory Pearce taken October 27, 2011, per Designations and Counter Designations: Plaintiff's Exhibits 022, 033, 034, 051, 125, 133, 134, 147, 148, 149, 151, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193.
36. Deposition Exhibits to Deposition of J. Milton Pope taken August 24, 2011, per Designations and Counter Designations: Plaintiff's Exhibits 004, 013, 015, 020, 045, 062, 067, 078, 096, 108, 109, 110, 122, 123, 133, 137, 138, 145, 146, 147, 148, 149, 150, 151, 153, 156, 157, 158, 159, 160.
37. Deposition Exhibits to Deposition of Herman Wilson Tillotson, Jr., taken March 12, 2012, per Designations and Counter Designations: Plaintiff's Exhibits 004, 015, 17, 019, 021, 118, 207, 208, 209, 210, 211, 212.
38. Deposition Exhibits to Depositions of Douglas P. Wendel, taken July 12, 2011, and October 25, 2011, per Designations and Counter Designations: Defendant's Exhibits 021, 035, 041, 042, 045, 064, 112, 117, 136, 187, 210, 235, 236, 238, 240.
39. Deposition Exhibits to Deposition of James E. Wiseman, III, taken September 1, 2011, per Designations and Counter Designations: Defendant's Exhibits 151, 153, 158, 159, 160, 161, 162, 163, 164, 168, 171, 172, 173, 174, 175, 181, 183, 186, 187, 189, 191, 192, 195, 197, 198, 199, 200, 201, 202, 204, 205, 206, 208, 211, 212, 213, 214, 215, 216, 222; Plaintiff's Exhibit 032.
40. Exhibits Contained in Appendix to Plaintiff's Omnibus Memorandum in Opposition to Defendant's Various Motions for Summary Judgment:
 - a. Pages 1-65 (Bates Nos. DEF-00011393 – DEF-00011457)
 - b. Page 66 (Bates No. COSD005-00994)
 - c. Pages 101-104 (FEMA 37, cover page and pages 5-3, 5-4, 5-6)
 - d. Page 145 (DEF-00000051)
 - e. Page 174 (DEF-00000081)
 - f. Page 216 (DEF-00000256)

- g. Pages 248-267 (COSD001-00107 – COSD001-00125)
 - h. Pages 268-269 (COSD004-00628 – COSD004-00629)
 - i. Pages 270-274 (COSD002-00408 – COSD002-00412)
 - j. Pages 383-385 (FEMA-001-000169 – FEMA-001-000171)
 - k. Pages 390-393 (SELC000152 – SELC000155)
 - l. Page 402 (SELC000009)
 - m. Page 403 (SELC000010)
 - n. Pages 419-422 (SELC000265 – SELC000268)
 - o. Page 442 (SELC000012)
 - p. Page 443 (SELC000013)
 - q. Page 444 (SELC000015)
 - r. Pages 475-477 (Stipulation of Compromise Settlement)
 - s. Pages 518 and 524 (Excerpt of Deposition of Brenda L. Carter)
 - t. Pages 502-517 (Affidavit of Elizabeth Summers and Exhibits)
 - u. Pages 604-605 (Smith 031- Smith 032).
41. Appendix to Plaintiff's Motion to Reconsider, Alter, or Amend Order Entered March 19, 2013, of March 29, 2013, Item 9 (Richland County Regulations – Division 3 – Preservation of Council Actions, § 2-39 through § 2-48).
42. Index to Plaintiff's Reply to Defendant's Memorandum in Opposition to Plaintiff's Motion to Reconsider, Alter, or Amend of April 15, 2013, Tab 3 (Certified Copy of Richland County Code of Ordinances (various)).

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

[signature on following page]

Respectfully submitted,



Manton M. Grier, SC Bar No. 2265
James Y. Becker, SC Bar No. 64661
Elizabeth H. Black, SC Bar No. 76067
HAYNSWORTH SINKLER BOYD, P.A.
1201 Main Street, 22nd floor (29201)
Post Office Box 11889
Columbia, South Carolina 29211-1889
803.779.3080

July 25, 2013

Attorneys for Appellant Columbia Venture,
LLC

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

John Hamilton Smith, Special Referee

RECEIVED

JUL 25 2013

S.C. Supreme Court

Case No. 2010-CP-40-8943R
Appellate Case No. 2013-001067

Columbia Venture, LLC,

Appellant,

v.

Richland County,

Respondent.

CERTIFICATE OF SERVICE

This is to certify that I caused a copy of the foregoing Initial Brief of Appellant and Designation of Matter to be served on the following individuals in the manner expressed below and addressed as follows:

Via Hand-Delivery & Email:

M. McMullen Taylor
Thomas E. Lydon
McAngus, Goudelock & Courie, LLC
1320 Main Street, 10th Floor
Columbia, South Carolina 29201
Mullen.taylor@mgclaw.com
tlydon@mgclaw.com

Via U.S. Mail & Email:

John D. Echeverria
Vermont School of Law
164 Chelsea Street
P.O. Box 96
South Royalton, VT 05068
jecheverria@vermontlaw.edu

Via U.S. Mail and Email:

Pope D. Johnson, III
Johnson & Barnette LLP
1230 Richland Street
Columbia, South Carolina 29201
pdjohnson@johnsonbarnette.com

July 25, 2013

Brenda Black

Brenda Black