

**RECEIVED**

**Feb 15 2024**

**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

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.

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

Stephen L. Brown (SC Bar No. 66468)  
Brian L. Quisenberry (SC Bar No. 73637)  
Russell G. Hines (SC Bar No. 72100)  
Zachary M. Kern (SC Bar No. 103731)  
Graydon V. Olive, IV (SC Bar No. 105319)  
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*Attorneys for Respondent  
The Town of Mount Pleasant, South Carolina*

Ross A. Appel (SC Bar No. 79149)  
Forrest W. Lewis (SC Bar No. 105525)  
MCCULLOUGH KAHN APPEL  
2036 eWall Street  
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(843) 937-0400

*Attorneys for Respondent  
WIN515, LLC*

Respondents propose the following to be included in the Record on Appeal:

**Orders**

1. Form 4 Order granting Defendant's Motion to Dismiss, filed February 10, 2023;
2. Order granting Defendant WIN515, LLC's Motion to Dismiss Plaintiff's Appeal, filed April 9, 2023;
3. Order denying Plaintiff's Motion to Reconsider, filed May 23, 2023;

**Pleadings**

4. Summons and Complaint, filed July 25, 2022;
  - a. Exhibit, June 27, 2022 Letter from Justin Lucey to Town of Mount Pleasant, SC;

**Transcript**

5. Hearing Transcript, January 28, 2023;

**Other Material**

6. Notice of Motion and Motion to Dismiss, filed August 8, 2022;
7. Notice of Opposition and Submission of the Record before the Design Review Board, filed August 24, 2022;
  - a. Exhibit A, June 29, 2022 Agenda;
  - b. Exhibit B, June 29, 2022 Meeting Minutes;
  - c. Exhibit C, June 29, 2022 Meeting Correspondence;
  - d. Exhibit D, June 29, 2022 Staff Report;
  - e. Exhibit E, June 29, 2022 515 Coleman Final Approval Submittal;
8. Memorandum of Law in Support of Motion to Dismiss, filed January 20, 2023;
  - a. Exhibit A, Code Section 156.420 - .422;
9. Plaintiff's memorandum Opposing Defendant WIN515, LLC's Motion to Dismiss, filed January 23, 2023;

- a. Exhibit A, screen shot from Town website;
  - b. Exhibit B, July 5, 2022 Letter from Town's General Counsel to Lucey;
  - c. Exhibit C, Affidavit of service on the Town & WIN515
10. The Town of Mount Pleasant's Memorandum in Support of WIN515, LLC's Motions to Dismiss, filed January 26, 2023;
  11. Plaintiff's Notice of Motion and Motion to Reconsider, filed April 14, 2023;
  12. Notice of Appeal, with Proof of Service (omitting Orders).

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

**<SIGNED ON THE FOLLOWING PAGE>**

Respectfully submitted,

By: s/Russell G. Hines  
Stephen L. Brown (SC Bar No. 66468)  
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Charleston, South Carolina

February 15, 2024

Respectfully submitted,

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