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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

R. Scott Spouse, Circuit Court Judge

Appellate Case No. 2023-000953
Civil Case No. 2021-CP-07-00663

West Street Farms, LLC and Mix Farms, LLC, Appellants,

v.

City of Beaufort, City of Beaufort Inn, LLC,
and 303 Associates, LLC Respondents.

**NOTICE OF THE INCORPORATION BY REFERENCE OF THE RECORD ON
APPEAL FILED IN APPELLATE CASE NO. 2022-000300**

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303 ASSOCIATES, LLC

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February 5, 2024
Columbia, South Carolina

ATTORNEYS FOR RESPONDENT
CITY OF BEAUFORT

Come now the appellants, West Street Farms, LLC and Mix Farms, LLC (collectively, “Appellants”) and the respondents, City of Beaufort, City of Beaufort Inn, LLC, and 303 Associates, LLC (collectively, “Respondents”) (together, the “Parties”), and notify this Court that the two-volume Record on Appeal filed on November 29, 2022, in South Carolina Appellate Case No. 2022-000300, the consolidated appeal of *Historic Beaufort Foundation v. City of Beaufort, et seq.* and *West Street Farms, LLC v. City of Beaufort, et seq.* (the “HRB Appeal” or “incorporated record”), has been incorporated by reference into the Record on Appeal filed in the present matter as if the documents have been resubmitted to this Court in duplicate, allowing the Court to consider the facts appearing in the incorporated record in the present appeal. *See* Rule 210(h), SCACR.

The Parties have included a copy of this notice in the Record on Appeal filed in the present appeal. In a manner consistent with Rule 211, SCACR, the Parties have used the following format when citing the incorporated record in their final briefs: (R. ____; I.R. ____). The first record reference is to the page number of this notice in the Record on Appeal filed in this appeal (referred to as “R”), and the second record reference is to the page number of the portion of the incorporated record being cited (referred to as “I.R.”).

The Parties brought this request to the attention of the Court in their Joint Motion for Court Guidance as to the Compilation of the Record on Appeal filed December 21, 2023. To date, the Court has not ruled on this motion. If the Court subsequently notifies the Parties that it desires the refiling of the entire Record on Appeal filed in the HRB Appeal, the Parties will supplement the record in the manner requested by the Court.

Respectfully submitted,

s/ W. Andrew Gowder, Jr.

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*Attorneys for Respondents, The Beaufort Inn,
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s/ Virginia P. Bozeman

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Attorneys for Respondent, City of Beaufort

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v.

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and 303 Associates, LLC Respondents.

PROOF OF SERVICE

I certify that the Notice of the Incorporation by Reference of the Record on Appeal filed in Appellate Case No. 2022-000300 was served on below counsel of record via electronic mail on February 5, 2024, and a copy of that email is attached to this certificate:

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Respectfully submitted,

s/ Virginia P. Bozeman

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February 5, 2024
Columbia, South Carolina

Ginny Bozeman

From: Ginny Bozeman
Sent: Monday, February 5, 2024 12:07 PM
To: nnicholson@burr.com; Andy Gowder
Cc: Angie Gould; vhampton@burr.com; Bailey Pope; Alexis Lindsay; Lawrence Flynn
Subject: West Street Farms, LLC and Mix Farms, LLC v. City of Beaufort, Beaufort Inn, LLC and 303 Associates, LLC; Appellate Case No.: 2023-000953
Attachments: Notice of Incorporation by Reference - PDF.pdf; Proof of Service - Notice of Incorp by Reference.pdf

Good afternoon,

Attached please find the Notice of Incorporation by Reference and Certificate of Service being filed today in the referenced matter.

Thanks,

Ginny Bozeman
Senior Counsel

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