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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  
The Honorable Roger M. Young, Sr., Circuit Court Judge

Case No. 2023-CP-10-01512  
Appellate Case No. 2023-001494

Charleston SC Property Holdings, LLC, Hanahan SC Property Holdings, LLC, and Michael Flanagan, Receiver ..... Respondents,

v.

Rittenberg OP, LLC, Hanahan OP, LLC, Goldner Capital Management, LLC, SC Two OP Holdings, LLC, and Samuel Goldner ..... Appellants.

**DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL  
BY RESPONDENT MICHAEL FLANAGAN, RECEIVER**

Respondent Michael Flanagan, Receiver (“Receiver”), proposes the following be included in the Record on Appeal:

1. Plaintiff Charleston SC Property Holdings, LLC and Plaintiff Hanahan SC Property Holdings, LLC’s Complaint with Exhibits filed on March 28, 2023;
2. Trial Court’s Order Appointing Receiver entered on April 14, 2023;
3. Defendants’ Rule 59(e) Motion for Reconsideration, Request for Stay Pursuant to Rule 62(a), and Offer of Bond filed on April 14, 2023;
4. Trial Court’s Form 4 Order Denying Defendants’ Rule 59(e) Motion for Reconsideration, Request for Stay Pursuant to Rule 62(a), and Offer of Bond entered on April 27, 2023;
5. Defendants’ Rule 59(e) Motion for Reconsideration of Denial of Request for Stay and Offer of Bond filed on May 5, 2023;
6. Receiver’s Motion to Approve Entry into Operations Transfer Agreement and Lease Termination Agreement filed on August 3, 2023 with Exhibits thereto (the “Lease Termination Motion”);

7. Certificate of Electronic Notification related to the Lease Termination Motion filed on August 3, 2023;
8. Affidavit of Michael Flanagan in Support of Receiver's Motion to Approve Entry into Operations Transfer Agreement and Lease Termination Agreement filed on August 3, 2023 (the "Flanagan Affidavit");
9. Counsel for Receiver's letter to the Charleston County Clerk of Court dated August 4, 2023 re: Mislabeled Exhibits in the Lease Termination Motion with Exhibits attached thereto and filed on August 4, 2023 (the "Correction Letter");
10. Counsel for Receiver's Certificate of Service related to service of the Lease Termination Motion, the Flanagan Affidavit, and the Correction Letter filed on August 8, 2023;
11. Notice of Hearing on Receiver's Motion to Approve Entry into Operations Transfer Agreement and Lease Termination Agreement filed on August 16, 2023 ("Hearing Notice");
12. Certificate of Electronic Notification related to the Hearing Notice filed on August 16, 2023;
13. Counsel for Receiver's Certificate of Service related to the Hearing Notice filed on August 16, 2023;
14. Receiver's Witness and Exhibit List for August 23, 2023 Hearing with Exhibits attached thereto filed on August 21, 2023;
15. Amended Notice of Hearing on Receiver's Motion to Approve Entry into Operations Transfer Agreement and Lease Termination Agreement filed on August 22, 2023;
16. Receiver's August 23, 2023 Trial Exhibits from Clerk's file which include the following (Exhibit A – Schedule of Lease Payments Past Due through August 2023; Exhibit B – Initial Receiver's Report as filed with the trial court on April 25, 2023; Exhibit C – Schedule of Landlord Protective Advances since Effective Date; Exhibit D – Operations Transfer Agreement; Exhibit E – Lease Termination Agreement; Exhibit F – Affidavit of Michael Flanagan in Support of Receiver's Motion to Approve Entry into Operations Transfer Agreement and Lease Termination Agreement dated August 3, 2023; Exhibit G – Proposed Order Approving Receiver's Entry Into Operations Transfer Agreement and Lease Termination Agreement);
17. Trial Transcript of Record for August 23, 2023 Hearing and Reporter Certificate dated October 18, 2023;
18. Trial Court's Order Approving Receiver's Entry Into Operations Transfer Agreement and Lease Termination Agreement entered on August 23, 2023;

19. Defendants' Rule 59(e) Motion for Reconsideration of Order Granting Receiver's Motion to Enter Into OTA and LTA or in the Alternative for Stay Pursuant to Rule 62(a) filed on August 30, 2023;
20. Receiver's Report of Consummation of Operations Transfer Agreements and Lease Termination Agreement filed on September 6, 2023;
21. Trial Court's Order Denying Defendants' Motion to Reconsider or in the Alternative Stay filed on September 8, 2023;
22. Appellants' Notice of Appeal filed with the Court of Appeals on September 19, 2023;
23. Respondent Charleston SC Property Holdings, LLC and Respondent Hanahan SC Property Holdings, LLC's Motion to Dismiss Part of Appeal filed with the Court of Appeals on November 17, 2023; and
24. Court of Appeals' Order Dismissing Part of Appeal entered on January 23, 2024.

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

Respectfully submitted,

Dated: September 12, 2024

/s/ Michael H. Weaver  
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