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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from the Administrative Law Court
The Honorable Samuel L. Johnson, Administrative Law Judge

ALC Docket No. 25-ALJ-07-0420-CC | Appellate Case No. 2026-001905

Robert Litzenberger, Appellant,

v.

South Carolina Department of Environmental Services and Branden Baker, Respondents.

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

Pursuant to Rule 209, SCACR, Appellant designates the following materials for inclusion in the Record on Appeal, only to the extent filed, admitted, submitted to, or otherwise properly part of the proceedings before the Administrative Law Court (ALC), and relevant to the issues presented on appeal. This designation does not request inclusion of post-judgment evidence or material outside the ALC record.

1. The July 10, 2026 Order Granting Motion for Summary Judgment, including the July 10 certificate of service.
2. The Department's June 22, 2026 Motion for Summary Judgment, accompanying memorandum, affidavit of John A. Poole, all supporting exhibits and attachments, and proof of service.
3. Appellant's Request for Contested Case Hearing concerning the December 16, 2025 approval of Lot 28 IL-NOI coverage, together with its exhibits and any properly filed amendments.
4. Appellant's February 23, 2026 Prehearing Statement, any properly filed amendments, and relevant exhibits; the parties' other filed pleadings and responses bearing on the issues decided by summary judgment.
5. The Lot 28 IL-NOI application and December 16, 2025 coverage approval (SCR10ZJYP), including the stamped disturbance plat, proposed 0.12-acre footprint, sediment and erosion-control narrative, silt-fence diagram, applicant certifications, and lot-specific drainage and buffer plans, insofar as included in the ALC record.
6. The applicable 2021 Construction General Permit SCR100000, particularly the provisions concerning secondary permittees, the larger common plan, OS-SWPPP compliance, and the 30-foot buffer, insofar as properly before the ALC.
7. Relevant portions of the 1996 Talons primary permit and larger-common-plan materials, including approved C-SWPPP/OS-SWPPP, site and drainage plans, individual-lot controls, and related submissions relied upon in the summary-judgment proceedings, insofar as included in the ALC record.
8. Appellant's discovery requests and responses, and the Department's discovery responses and exhibits, but only to the extent filed, submitted as summary-judgment materials, or otherwise properly made part of the ALC record and relevant to the issues on appeal.

9. Appellant's March 18, 2026 motion for extension of discovery responses; the Department's March 30 response; the ALC's April 1 order denying extension; and the April 17 Notice of Hearing setting July 21, 2026.

10. The July 3, 2026 emailed document styled Motion to Compel Production of Responsive Electronically Stored Information, and any evidence of receipt, filing status, and disposition, only to the extent properly part of the ALC record; this designation does not represent that the motion was formally filed.

11. The ALC docket sheet, procedural orders, and certificates or proofs of service necessary to establish the procedural history, preservation of issues, and disposition of the summary-judgment motion.

RULE 209(c) CERTIFICATION

By signing below, Appellant certifies that this designation contains no matter he knows to be irrelevant to the appeal.

/s/ Robert Litzenberger

Robert Litzenberger, Appellant, pro se

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Dated: October 11, 2026

Service: Proof of service is provided separately and must reflect the actual date, recipients, and authorized method of service. This designation itself does not certify that service has already occurred.