

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY  
Court of Common Pleas

George C. James, Jr., Circuit Court Judge

Appellate Case No. 2013-000022  
Case No. 2011-CP-36-00588

Danny Abrams and Frances Abrams ..... Appellants,

v.

City of Newberry ..... Respondent.

**RESPONDENT'S DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD**

David L. Morrison, Esquire  
Kassi B. Sandifer, Esquire  
7453 Irmo Drive, Suite B  
Columbia, South Carolina 29212  
Phone: (803) 661-6285  
Fax: (803) 661-6289  
E-mail: [david@dmorrison-law.com](mailto:david@dmorrison-law.com)  
E-mail: [kassi@dmorrison-law.com](mailto:kassi@dmorrison-law.com)

**RECEIVED**

FEB 06 2014

**SC Court of Appeals**

Columbia, South Carolina  
February 3, 2014

Pursuant to SCACR 209, Respondent hereby designates the following to be included in the record on appeal<sup>1</sup>:

<sup>1</sup> By agreement of the parties, Appellants' counsel will delete from their designation of matter the depositions of Frances Abrams and Danny Abrams as those were not submitted to the lower court and will include only the pertinent portions of the deposition of Jim Liptak rather than the complete deposition. In reliance on that agreement the Respondent is not filing a motion related to those designations at this time.

1. Order of the Honorable George C. James, Jr. granting summary judgment dated November 30, 2012.
2. Transcript of Hearing dated August 13, 2012.
3. Respondent's motion for summary judgment.
4. Affidavit of Fred Yandle
5. Affidavit of Danny Hill, with exhibits.
6. Appellants' memorandum in opposition to summary judgment.
7. Excerpts from deposition of Jim Liptak p. 9, l. 19-22, p. 20, ll. 2-17, 2-25, p. 21, l 1-8, p. 29 l. 2 – p. 35, ll 1-16.

MORRISON LAW FIRM, LLC

By: 

David L. Morrison

Kassi B. Sandifer

7453 Irmo Drive, Suite B

Columbia, South Carolina 29212

Phone: (803) 661-6285

Fax: (803) 661-6289

E-mail: david@dmorrison-law.com

E-mail: kassi@dmorrison-law.com

ATTORNEYS FOR THE RESPONDENT

Columbia, South Carolina

February 3, 2014

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Danny Abrams and Frances Abrams ..... Appellants,


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**CERTIFICATE OF SERVICE**

The undersigned employee of Morrison Law Firm, LLC, attorney for the Respondent, City of Newberry, does hereby certify that service of the **Respondent City of Newberry's Initial Brief and Respondent's Designation of Matter to be Included in the Record** in the above-captioned action was made upon all counsel of record by placing same in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 3<sup>rd</sup> day of February, 2014, addressed as follows:

Christian Stegmaier, Esquire  
Post Office Box 12487  
Columbia, South Carolina 29211

  
\_\_\_\_\_  
David L. Morrison

Columbia, South Carolina

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**Morrison Law Firm, LLC**  
7453 Irmo Drive, Suite B  
Columbia, South Carolina 29212  
Phone: (803) 661-6285  
Fax: (803) 661-6289  
E-mail: David@dmorrison-law.com  
E-mail: Kassi@dmorrison-law.com

David L. Morrison\*  
Kassi B. Sandifer  
Robert G. Cooper\*\*

\*Licensed in SC & NC  
\*Certified Mediator  
\*\*Of Counsel

February 3, 2014

Honorable Jenny Abbott Kitchings  
Clerk of Court, Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: Danny Abrams and Frances Abrams v. City of Newberry  
Court of Appeals #: 2013-000022  
Our File: 210.0188

Dear Clerk Kitchings:

Enclosed is the original and one copy of the Initial Brief of the Respondent and our Designation of matter to be included in the Record on Appeal in this matter. Please return a clocked-in copy to me in the self-addressed stamped envelope enclosed for your convenience. By copy of this letter, I am serving counsel for the Appellants with a copy of same.

Very truly yours,

MORRISON LAW FIRM, LLC

David L. Morrison

DLM/cmm

Enclosure

cc: Christian Stegmaier, Esquire

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