

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS

S.C. Supreme Court

The Honorable John Hamilton Smith, Special Referee

CASE No. 2010-CP-40-8943R

COLUMBIA VENTURE, LLC, APPELLANT,

v.

RICHLAND COUNTY, RESPONDENT.

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

Respondent designates the following to be included in the Record on Appeal:

1. Order Denying Defendant's Motion to Dismiss Pursuant to Rule 12(b)(6) (filed Dec. 2, 2009);
2. Plaintiff's Motion for Partial Summary Judgment (filed March 14, 2012);
3. Defendant's Motion for Summary Judgment on Physical Taking Claim (filed March 14, 2012);
4. Defendant's Motion for Partial Summary Judgment (March 14, 2012);
5. Defendant's Memo in Support of Motion for Protective Order (June 12, 2012);
6. Order Regarding Certain Discovery Motions (June 26, 2012);
7. Parties' Joint Submission of Case Documents to Judge Smith for Review (July 2012);
8. Order Granting Defendant's Motion for Protective Order (July 20, 2012);
9. Plaintiff's Memorandum in Support of Motion for Partial Summary Judgment in its

Physical Taking Claim (July 9, 2012);

10. Plaintiff's Memorandum in Opposition to Defendant's Motion for Partial Summary Judgment (Physical Takings Claim) (July 16, 2012);
11. Dispositive Motion Hearing Transcript, pp. 1-56, 126 (July 18, 2012);
12. Order Granting Defendant's Motion for Protective Order (July 20, 2012);
13. Plaintiff's Pre-Trial Brief (Sept. 6, 2012);
14. Plaintiff's Proposed Order (Feb. 4, 2013);
15. Defendant's Proposed Order (Feb. 4, 2013);
16. Plaintiff's Memorandum in Response to Defendant's Proposed Order (March 8, 2013);
17. Defendant's Memorandum in Opposition to Plaintiff's Proposed Order (March 8, 2013);
18. Plaintiff's Motion to Reconsider Order Entered March 19, 2013 (March 29, 2013);
19. Defendant's Opposition to Plaintiff's Motion to Reconsider (April 8, 2013);
20. Order Denying Plaintiff's Motion to Reconsider (April 22, 2013);
21. All Pages of Plaintiff's Trial Exhibits: 4, 11, 12, 13, 14, 17, 18, 24, 26, 31, 51, 60, 112, 114, 118, 119, 120, 184, 185, 204, 208, 229, 230, 237, 254, 262, 264, 266, 270, 287, 294, 304, 338, 344, 345, 362, 374, 391, 501, 506, 507, 508, 509, 510, 511, 520, 523, 551, 557;
22. Partial designation of Plaintiff's Trial Exhibits:
 - a. Plaintiff's Trial Exhibit 8: DEF-00000002 – DEF-00000006.
 - b. Plaintiff's Trial Exhibit 10: COSD001-00569 – COSD001-00584.
 - c. Plaintiff's Trial Exhibit 147: DEF-00012030 – DEF-00012033.
 - d. Plaintiff's Trial Exhibit 195: DEF-00012293 – DEF-00012328; DEF-00012342 – DEF-00012350; DEF-00012364 – DEF-00012367; DEF-00012384 – DEF-00012386; DEF-00012407.
 - e. Plaintiff's Trial Exhibit 250a: cover page, pp. 429, 431, 440-441, 448, 484-494, 546-554.
 - f. Plaintiff's Trial Exhibit 255: CV005993 – CV006010.
 - g. Plaintiff's Trial Exhibit 266: CV10134 – CV10137.
 - h. Plaintiff's Trial Exhibit 268: CV010144 – CV010145.
 - i. Plaintiff's Trial Exhibit 275: CVMcNair000250 – CVMcNair000253.
 - j. Plaintiff's Trial Exhibit 394: CV006287 – CV006307, CV006312, CV006316, CV006333-CV006336, CV006355 – CV006356, CV006358 – CV006364, CV006623 – CV006624, CV006629 – CV006633, CV006641 – CV006658.

- k. Plaintiff's Trial Exhibit 425: CV006098 – CV006107, CV006114 – CV006117, CV006140, CV006157, CV006163 – CV006172, CV006206 – CV006210.
 - l. Plaintiff's Trial Exhibit 497: CV013556 – CV013564.
 - m. Plaintiff's Trial Exhibit 550: DEF-00002945 – DEF-00002947.
23. All pages of Defendant's Trial Exhibits: 1, 2, 7, 9, 10, 12, 14, 15, 17, 20a, 31, 34, 45, 46, 48, 49, 53, 54, 59, 63, 64, 67, 69, 72, 74, 76, 77, 79, 81, 85, 103, 104, 105, 106, 108, 109, 110, 111, 112, 113, 128, 129, 130, 131, 133, 140, 142, 151, 156, 158;
24. Partial designation of Defendant's Trial Exhibits:
- a. Defendant's Trial Exhibit 4: BandC020627, BandC20629-BandC020630
 - b. Defendant's Trial Exhibit 5: BandC020604 – BandC020609, BandC020612
 - c. Defendant's Trial Exhibit 11: BandC000496.
 - d. Defendant's Trial Exhibit 13: BandC020477, BandC020483
 - e. Defendant's Trial Exhibit 37: CV013516 – CV013522.
 - f. Defendant's Trial Exhibit 51: CV012849.
 - g. Defendant's Trial Exhibit 70: DEF-00002059 – DEF-00002063
 - h. Defendant's Trial Exhibit 73: BandC020866, BandC020876, BandC020880.
 - i. Defendant's Trial Exhibit 82: pp. 5-12.
 - j. Defendant's Trial Exhibit 84: DEF-00002438 – DEF-00002439.
 - k. Defendant's Trial Exhibit 88: DEF-0002547 – DEF-00002551.
 - l. Defendant's Trial Exhibit 99: CV000455 – CV000472; CV000521 – CV000545.
 - m. Defendant's Trial Exhibit 144: CV-MCNAIR000955, CV-MCNAIR000971 - CV-MCNAIR000972, CV-MCNAIR000998.
 - n. Defendant's Trial Exhibit 147: p. 4.
 - o. Defendant's Trial Exhibit 157: CV008066 – CV008069.
25. Defendant's Exhibits to Deposition of Douglas P. Wendel: 136, 238;
26. Trial Transcript pp. 23-24, 33-34, 37-40, 42, 48, 66, 70, 78-79, 84-86, 126-128, 130, 136-143, 155-156, 176-177, 194-195, 207, 248-249, 264-270, 276-277, 385-386, 449, 504, 514-518, 549-552, 562-563, 571-572, 575, 599-602, 627-630, 656, 668-669, 673-674, 682-685, 698-699, 705-709, 711, 771, 779-780, 810, 839, 844-851, 859-860, 864, 873, 881-882, 878-879, 893-894, 896-904, 922-925, 936-937, 939, 943-945, 951-962, 964-968, 975, 977, 994-997, 1005-1007, 1048-1060, 1077-1078, 1089, 1116-1129, 1139-1140, 1196-1199, 1207-1213, 1207-1213, 1236, 1281-1282, 1290-1296, 1309-1310, 1315, 1323-1324, 1336, 1339-1340, 1384-1391, 1399-1401, 1447-1448, 1453, 1461, 1490-1491, 1624-1626, 1665-1666, 1720-1724, 1727, 1741, 1746-1749, 1842-1844, 1848-1856, 1869-1872, 1879-1885, 1894, 1897-1898, 1940-1964, 2111-2147, 2150-2157, 2161, 2164-2165, 2190-2191, 2206-2212, 2216-2219, 2225-2229, 2231-2234, 2250-2252, 2261-2269, 2272-2284, 2288-2295, 2307-2507, 2512-2530, 2535-2538, 2544-2548, 2557-2559, 2583-2588, 2593-2596, 2598, 2609-2622, 2689-2697, 2702, 2796-2817, 2868-2871, 2898-2901;

27. Transcript of Deposition of Douglas P. Wendel (July 12, 2011): pp. 9, 128-129, 161-164, 180-194;
28. Transcript of Deposition of Douglas P. Wendel (October 25, 2011): pp. 47-49, 81;
29. Transcript of Deposition of H. Wilson Tillotson, pp. 12, 47-53, 58-59, 67; and
30. Transcript of Deposition of James E. Wiseman, pp. 64-65, 113-114, 146-147, 210-211.

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

Respectfully submitted



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April 22, 2014.

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The Honorable John Hamilton Smith, Special Referee

Case No. 2010-CP-40-8943R
Appellate Case No. 2013-001067

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PROOF OF SERVICE

I certify that I have served Respondent's Motion To Amend Its Designation Of Matter To Be Included In The Record On Appeal and Respondent's Amended Designation Of Matter To Be Included In The Record On Appeal by placing in the United States Mail, on the 22nd day of April, 2014, addressed to counsel of record, as follows:

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