

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS

The Honorable G. Thomas Cooper
The Honorable J. Ernest Kinard

Case No. 2011-CP-40-6705

RECEIVED

JUL 25 2014

SC Court of Appeals

JOSEPH S. AZAR, FRANK J. CUMBERLAND, JR.
AND MICHAEL A. LETTS, INDIVIDUALLY
AND AS CLASS REPRESENTATIVES, APPELLANTS,

v.

CITY OF COLUMBIA, RESPONDENT.

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

Respondent City of Columbia hereby designates the following matter to be included
within the Record on Appeal:

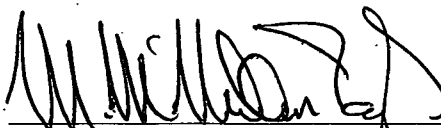
1. Complaint (October 10, 2011);
2. Amended Complaint (October 13, 2011);
3. Second Amended Complaint (January 17, 2012);
4. Answer to Amended Complaint (Nov. 14, 2011);
5. Defendant's Rule 12(b)(1) Motion to Dismiss (Nov. 14, 2011);
6. Answer to Second Amended Complaint (Feb. 21, 2012);
7. Plaintiffs' Motion for Class Certification (March 27, 2012);

8. Defendant's Amended Rule 12(b)(1) Motion to Dismiss (May 17, 2012);
9. Defendant's Memorandum in Opposition to Plaintiffs' Motion for Class Certification (May 30, 2012);
10. Defendant's Memorandum in Support of its Amended Motion to Dismiss Pursuant to Rule 12(b)(1) (May 30, 2012);
11. Defendant's Memorandum in Opposition to Class Certification (May 30, 2012);
12. Plaintiff's Memorandum in Support of Class Certification (June 1, 2012);
13. Plaintiffs' Memorandum in Opposition to Defendant's Motion to Dismiss for Lack of Standing (June 5, 2012);
14. Plaintiffs' Memorandum in Support of its Motion for Summary Judgment (Aug. 1, 2013);
15. Transcript of Hearing before Judge Kinard (June 5, 2012);
16. Transcript of Hearing before Judge Kinard (Sept. 13, 2012);
17. Transcript of Hearing before Judge Cooper (Aug. 5, 2013);
18. Transcript of Hearing before Judge Cooper (Sept. 13, 2013);
19. Affidavit of Erika D. Moore, including exhibits;
20. Affidavit of Jeffery M. Palen, including exhibit;
21. Def. Appx. 11: Ordinance No. 2011-027;
22. Def. Appx. 12: Comprehensive Annual Financial Report for Fiscal Year ended June 30, 2010: CITY-0002277 – CITY-0002280, CITY-0002299, CITY-0002317; CITY-0002411;
23. Def. Appx. 13: Budget & Expenditures Detail Report: CITY-0003931;
24. Def. Appx. 14: Cumberland Water Service Contract (1) (redacted): CITY-0003969;
25. Def. Appx. 15: Cumberland Water Service Contract (2) (redacted): CITY-0003970;
26. Def. Appx. 16: Revenue Bond Ordinance: CITY-0004740-CITY-0004783;
27. Def. Appx. 17: Seventh Supplemental Ordinance: CITY-0005062-CITY-0005072;

28. Def. Appx. 18: Black & Veatch Rate Study: CITY-0005133 – CITY-0005140; CITY-0005224; CITY-0005225; CITY-0005228; CITY-0005234; CITY-0005239;
29. Def. Appx. 19: 1998 Code of Ordinances: CITY-0008622 – CITY-0008630;
30. Def. Appx. 24: Letts Water Service Contract (redacted): CITY-0005409;
31. Def. Appx. 27: Resolution: CITY-0008476 – CITY-0008477;
32. Def. Appx. 28: Comprehensive Annual Report for fiscal year ending June 30, 2011: CITY-0008481, CITY-0008484, CITY-0008569, CITY-0008612;
33. Defendant's Deposition Exhibit #1: Chart of City Budgeted Expenditures from Utility Fund;
34. Plaintiff's Deposition Exhibit #5 (chart entered as part of Angela Adams deposition);
35. Transcript of Deposition of Angela Adams: all pages;
36. Transcript of Deposition of Steven A. Gantt: pages 3-6, 17-19, 25-28, 35, 43-44, 54, 56-65, 69-70, 80-92, 97-99, 102, 105-106;
37. Transcript of Deposition of Missy Caughman: pages 3-10, 13-15, 27-28, 33-34, 36, 38-40;
38. Transcript of Deposition of William H. Ellis: pages 3-4, 13-14, 38-39, 47-50;
39. Plaintiffs' Exhibit 2 from Sept. 13, 2013 hearing (City Ordinances 2012-2013);
40. Plaintiffs' Exhibit 1, Tab 11, entered at hearing held Aug. 5, 2013 (Black & Veatch 2007 Indirect Cost of Service Study (April 2, 2007));
41. Plaintiffs' Exhibit 1 entered at hearing held on Sept. 13, 2013 (Consent Decree);
42. Email from Thomas E. Lydon to Judge Kinard, copied to Plaintiffs, attaching Defendant's Proposed Order (June 7, 2012);
43. Cover letter and Proposed Order from Gene Connell, copied to Defendants (June 8, 2012);
44. Email from Mullen Taylor to Judge Kinard's Law Clerk Requesting Order, copied to Plaintiffs (Aug. 1, 2012);
45. Defendant's Proposed Order Granting Defendant's Motion for Summary Judgment (Aug. 20, 2013);

46. Plaintiffs' Proposed Order on Motions for Summary Judgment (Aug. 20, 2013); and
47. Plaintiffs' Motion to Reconsider (Oct. 14, 2013).

Respectfully submitted,



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July 25, 2014