

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Clifton Newman

Appellate Case No. 2013-001843
(Trial Court Case No. 2011-CP-23-6376)

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SC Court of Appeals

13280

Kevin McCarthy and Courtney E. McCarthy, Appellants,

v.

The Cliffs Communities, LLC d/b/a The Cliffs at
Keowee Falls South; Keowee Falls Investment
Group, LLC; Cliffs Real Estate, Inc.; The Cliffs Golf
and Country Club, Inc.; and S&ME, Inc.....Defendants,

Of whom

S&ME, Inc. isRespondent.

APPELLANTS' OBJECTION TO RESPONDENT'S DESIGNATION OF MATTER

Pursuant to Rule 240, SCACR, Appellants, Kevin McCarthy and Courtney E. McCarthy (collectively "Appellants"), hereby request that the Court grant the exclusion of items Nos. 1, 5, and 34 of Respondent's Designation of Matter from the Record on Appeal.

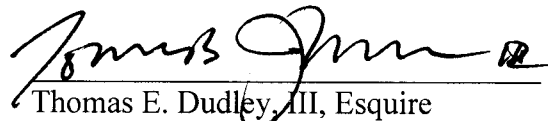
Pursuant to Rule 210(c), SCACR, the record shall not include matter which was not presented to the lower court or tribunal. In the instant case, Respondent seeks to include matter from separate and distinct civil litigation which was not presented to the

lower court or tribunal in this case and is not relevant to the appeal of this case.

Respondent seeks to include the Complaint and Verdict Form from C.A. No. 2011-CP-23-05300 and the Complaint from C.A. No. 2013-CP-23-00072. While Appellants agree that these are sister cases to the case at issue here (C.A. No. 2011-CP-23-6376), since they involve neighboring properties, Appellants do not see their relevance to be included in the Record on Appeal.

No memorandum in support of this motion is being filed as it is counsel's belief that such memorandum would not aid the Court in ruling on the motion.

Respectfully submitted,



Thomas E. Dudley, III, Esquire
Townes B. Johnson III, Esquire
Kenison, Dudley & Crawford, LLC
704 East McBee Avenue
Greenville, SC 29601
(864) 242-4899

Attorneys for Appellant

August 18th, 2014
Greenville, SC

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Clifton Newman, Circuit Court Judge

Appellate Case No.: 2013-001843
(Trial Court Case No.: 2011-CP-23-63768)

Kevin McCarthy and Courtney E. McCarthy, Appellants,

v.

Keowee Falls Investment Group, LLC, The Cliffs Communities, LLC
d/b/a The Cliffs at Keowee Falls South, Cliffs Real Estate, Inc., The
Cliffs Golf and Country Club, Inc., and S&ME, Inc. Defendants,

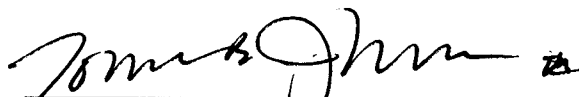
Of Whom

S&ME, Inc. is Respondent.

PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the Appellants' Objection Respondent's Designation of Matter in the above-referenced case has been served on all parties of record by mailing a copy of same in the United States mail, postage prepaid this 18 day of August, 2014, addressed as follows:

Stephanie H. Burton
Gibbes Burton, LLC
308 East Saint John Street
Spartanburg, SC 29302
Attorney for Respondent



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August 18, 2014

Hon. Jenny Abbott Kitchings
Clerk of the Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Kevin McCarthy, et al. vs. S&ME, Inc., et al.
Appellate Case No.: 2013-001843

To Whom It May Concern:

Please find enclosed an original and six (6) copies of Appellants' Objection to Respondent's Designation of Matter with Proof of Service in the above referenced matter, as well as our check in the sum of \$25.00 as and for the filing fee.

Thank you for your assistance in this matter and please do not hesitate to contact our office if you have any questions.

Very truly yours,

KENISON, DUDLEY & CRAWFORD, LLC



Helen Cotrone
Legal Assistant

Enclosures

cc: Stephanie H. Burton
Kevin & Courtney McCarthy

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SC Court of Appeals

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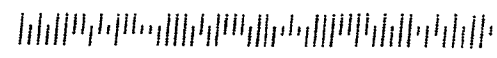
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