

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM SOUTH CAROLINA ADMINISTRATIVE LAW COURT  
Honorable Shirley C. Robinson, Presiding Judge

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Case No. 12 ALJ-07-0434-CC

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Ken Bruning, Janet Bruning, David Feron, individually and as Trustee,  
Mary Feron, individually and as Trustee, Sally Saegmuller Haley and  
Terrell Page Haley, individually and as Co-Trustees, Martha James  
and Don Haarmeyer, individually and as Co-Trustees, and  
Pamela S. North.....Appellants,

v.

SCDHEC and Cat Island POA, c/o Gary Meyer..... Respondents.

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Case No. 12 ALJ-07-0436-CC

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In Re: Garfield Park, Phase 3

Cat Island POA, c/o Gary Meyer.....Petitioner,

v.

SCDHEC.....Respondent.

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APPELLANTS' DESIGNATION OF MATERIAL FOR THE RECORD

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John E. North, Jr., # 06570  
North & Black, P.C.  
916 Bay Street, Suite 100  
Beaufort, SC 29902  
(843) 379-0800 (tel)  
(843) 379-0900 (fax)  
Attorney for Appellants

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**SC Court of Appeals**

COME NOW THE APPELLANTS and hereby designate the following materials to be included in the Record on Appeal.

Pleadings:

1. Petitioners' Request for Contested Case Hearing and Exhibits
2. Order Denying Summary Judgment
3. Joint Proposed Order of Cat Island POA and DHEC
4. Final Order
5. Motion for Reconsideration
6. Order Denying Motion for Reconsideration

Transcript:

1. Foundation: pgs. 39, 615, 901-906
2. Testimony of Gary Meyer: Pgs. 40 - 66; 74; 78
3. Testimony of Richard Geer: Pgs. 123 – 128; 132 – 136; 140 – 155; 164 - 165; 168 - 169; 178; 183 – 185; 188; 190 - 191; 196; 219; 212; 221 - 225; 227 -231; 237 – 239; 246 – 248; 255 – 257; 281; 283; 376 – 377
4. Testimony of Pamela North: 381 – 387; 390 – 391; 397; 400 – 402; 411 - 412
5. Testimony of David Feron: 446 – 452
6. Testimony of Sally Haley: 461; 468
7. Testimony of Ken Bruning: 471 – 472; 475
8. Testimony of Ryan Lyle: 479 - 487; 499; 502 - 503; 505; 508 – 512; 522 – 523; 530 - 531; 534 – 535; 536 – 537; 541 – 550; 569- 571; 584; 603 - 605; 611; 615; 617

9. Testimony of George Madlinger: 712 – 716; 720 – 723; 735; 727 – 728;  
741; 743 – 746; 748 – 749; 751; 755 – 757
10. Testimony of Blair Williams: 773 – 774; 779; 805 – 806; 808
11. Testimony of Christopher Moore: 817-857; 898 – 899; 900

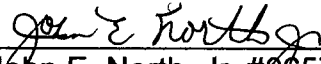
Exhibits:

1. Homeowners' Ex. 1, p. 25, 31-34, 38
2. Homeowners' Ex. 2
3. Homeowners' Exhibit 3
4. Homeowners Exhibit 5, p. 8-21
5. Homeowners Exhibit 6
6. Homeowners Ex. 14
7. Homeowners Ex. 15
8. Homeowners' Exhibit 18
9. Homeowners' Ex. 19
10. Homeowners' Ex. 20
11. Homeowners' Ex. 23
12. Homeowners' Ex. 24
13. Homeowners' Ex. 31
14. Homeowners' Ex. 33
15. Homeowners' Ex. 34
16. Homeowners' Ex. 36
17. Homeowners Ex. 37

18. Homeowners Ex. 44
19. Homeowners' Ex. 51
20. Homeowners' Ex. 53
21. Homeowners' Ex. 58
22. Homeowners Ex. 63
23. Homeowners' Ex. 64, Sheet 3 and 5
24. Homeowners' Ex. 65
25. Homeowners Ex 72
26. Homeowners' Ex. 73
27. Homeowners' Ex. 82
28. Homeowners Exhibit 84
29. Cat Island Ex. 2(A-F)
30. Cat Island Ex. 7
31. Cat Island Ex. 10
32. Cat Island Ex. 11
33. Cat Island Exhibit 40

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

Dated this 19<sup>th</sup> day of November, 2014.

  
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John E. North, Jr. #06570  
North & Black, P.C.  
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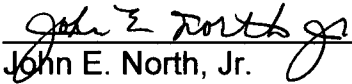
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Attorney for Appellants

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**SC Court of Appeals**

The undersigned hereby certifies that he served the Appellants' Initial Brief and Designation of Material for the Record upon the attorney for Cat Island POA, Mary Shaid, P.O. Box 486, Charleston, SC 29402 and the attorney for DHEC, Nathan Haber, 1362 McMillan Avenue, Suite 400, Charleston, SC 29405 by United States Mail, postage prepaid on the 19<sup>th</sup> day of November, 2014.

  
\_\_\_\_\_  
John E. North, Jr.

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November 19, 2014

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

Re: Bruning, et al v. Cat Island POA and DHEC  
Appellate Case No. 002010

Dear Ms. Kitchings:

Enclosed please find an original and one copy of Appellants' Initial Brief, original and one copy of Appellants' Designation of Material for the Record, and an original and one copy of Appellants' Proof of Service with respect to same.

Please see that these materials are properly filed and a time stamped copy of each returned to us in the enclosed, self-addressed, postage prepaid envelope.

Thank you for your assistance with this matter.

Very truly yours,



John E. North, Jr.

JEN/p  
Encl

C: Mary Shahid; Nathan Haber

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SC Court of Appeals

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