

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

Case Number 2011-CP-38-01379

South Carolina Department of Transportation,Appellant,

v.

William Breland,Respondent

APPELLANT'S DESIGNATION OF MATTER
TO BE INCLUDED IN RECORD ON APPEAL

Appellant South Carolina Department of Transportation designates the following items for inclusion in the Record on Appeal:

1. August 30, 2013 Order Denying SCDOT's Motion for Summary Judgment.

2. January 13, 2014 Order Denying Motion for Judgment Notwithstanding Verdict, or in the Alternative for a New Trial.

3. SCDOT's June 25, 2013 Motion for Summary Judgment, with accompanying Memorandum of Law in Support of Motion, with Exhibits.

4. SCDOT's Motion in Limine, dated September 3, 2013, with accompanying Memorandum of Law in Support of Motion, with Exhibits.

RECEIVED

DEC 05 2014

SC Court of Appeals

5. SCDOT's September 13, 2013, Motion for Judgment Notwithstanding Verdict, or in the Alternative for a New Trial, with accompanying Memorandum of Law in Support of Motion, and Exhibits.
6. Summons and Complaint, dated November 28, 2011.
7. Amended Answer of SCDOT, dated February 2, 2012.
8. Transcript of Record, August 9, 2013, Summary Judgment Hearing:
Page 6, line 5—Page 17, line 19
Page 19, line 1—Page 20, line 24
9. Transcript of Testimony, dated September 3, 2013 Trial:
Page 44, line 2—Page 48, line 15
Page 51, line 4—Page 60, line 14
Page 62, line 3—Page 66, line 21
Page 67, line 15—Page 71, line 21
Page 76, line 14—Page 80, line 7
Page 121, line 25—Page 143, line 9
Page 173, line 16—Page 187, line 6
Page 194, line 14—Page 207, line 13
Page 220, line 11—Page 224, line 18
Page 227, line 8—Page 244, line 24
Page 259, line 13—Page 267, line 23
Page 271, line 25—Page 277, line 14
Page 280, line 10—Page 287, line 24
Page 351, line 6—Page 359, line 11
Page 373, line 19—Page 379, line 2
Page 395, line 9—Page 398, line 19
Page 401, line 4—Page 402, line 23
Page 413, line 7—Page 417, line 22
Page 430, lines 16—23
Page 449, line 23—Page 451, line 25
Page 539, line 6—line 10
10. Transcript of Testimony, dated October 1, 2013, Post-trial Motion Hearing:
Page 5, line 3—Page 19, line 2
Page 42, line 8—Page 44, line 6.
11. Deposition of William Breland: November 19, 2012,
Page 11, line 18—line 20
12. Deposition of Rosa Sharpe: September 4, 2013
Page 10, line 9—Page 12, line 20

13. Deposition of Dr. Reddiah Babu Mummaneni: July 26, 2013
Page 14, line 9—Page 22, line 3
Page 26, line 5 – Page 30, line 10
Page 36, line 2– Page 37, line 25
Page 42, line 3—Page 47, line 19
Page 51, line 9 – Page 56, line 7
14. SCDOT Inspection Reports, offered into Evidence at Trial,
Plaintiff's Exhibits 2—14
15. Court's Exhibit Number 9: Nevada and Washington State Criminal
Records
16. Defendant's Exhibit 19: Neeses Fire Report
17. Plaintiff's Exhibit One: Google Street View Photo (May 2008)
18. Plaintiff's Exhibit 7: Picture taken by Plaintiff at scene
19. SLED Catch Disclosure
20. "Behind the Scenes of Google Street View,"
www.google.com/maps/about/behind-the-scenes/streetview/,
last accessed September 26, 2014
21. "Riding Shotgun with Google Street View's Revolutionary Camera,"
Popular Mechanics,
www.popularmechanics.com/technology/gadgets/news/4232286,
last accessed September 1, 2014

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

Bamberg, SC
Dec 3, 2014

Respectfully Submitted,



Richard B. Ness
Ness & Jett, LLC
P.O. Box 909
Bamberg, SC 29003
Phone: (803) 245-5178
Fax: (803) 245-5384
Attorneys for SCDOT

CERTIFICATE OF SERVICE

I, the undersigned of the law offices of Ness & Jett, L.L.C, attorneys for Appellant, South Carolina Department of Transportation (SCDOT), do hereby certify that I have served all counsel in this action with a copy of the pleading(s) herein below specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address:

Pleadings: Appellant's Initial Brief and Appellant's Designation of Matter to be Included in Record on Appeal

Counsel Served:

J. Christopher Wilson, Esquire
P. O. Box 1150
Bamberg, SC 29003

John S. Nichols, Esq.
P. O. Box 7965
Columbia, SC 29202

NESS & JETT, L.L.C.

By:



Richard B. Ness

P.O. Box 909

Bamberg, S.C. 29003

(803) 245-5178

Attorney for Appellant, SCDOT

Bamberg, South Carolina

December 3, 2014

RECEIVED

DEC 05 2014

SC Court of Appeals

NESS & JETT, LLC
ATTORNEYS AT LAW
P.O. BOX 909
BAMBERG, SOUTH CAROLINA 29003

RICHARD B. NESS*
NORMA A. T. JETT*

2878 MAIN HIGHWAY
Telephone 803/245-5178
Telecopier 803/245-5384

*CERTIFIED CIRCUIT COURT MEDIATOR

ALISON DENNIS HOOD
ADAM C. NESS

JULIUS B. NESS
1916-1991

December 3, 2014

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

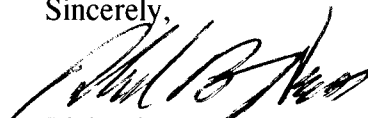
Re: William Breland v. SCDOT
Case No.: 2011-CP-38-01379

Dear Ms. Kitchings:

Please find enclosed the original and one copy of Appellant's Initial Brief and Appellant's Designation of Matter to be Included in Record on Appeal, as well as a Certificate of Service. Please file the original and return a clocked copy to me in the self-addressed, stamped envelope I have provided for your convenience.

Also, by copy of this letter, I am serving a copy of Appellant's Initial Brief and Appellant's Designation of Matter to be Included in Record on Appeal, as well as a Certificate of Service, on Attorney J. Christopher Wilson and Attorney John S. Nichols.

Sincerely,


Richard B. Ness

RBN/dlh

Enclosures

CC: J. Christopher Wilson, Esq.
John S. Nichols, Esq.

RECEIVED

DEC 05 2014

SC Court of Appeals