

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Master-In-Equity

Mikell R. Scarborough, Master-In-Equity for Charleston County

Appellate Case No. 2015-001146
Trial Court Case No. 2013-CP-10-1225

RECEIVED

SEP 03 2015

SC Court of Appeals

Kiawah Resort Associates, L.P., a
Delaware Limited Partnership, and KDP
II LLC, a South Carolina Limited
Liability Company,

Appellants/Respondents,

v.

Kiawah Island Community Association,
Inc., a South Carolina Not-for-Profit
Corporation,

Respondent,

and

Kiawah Property Owners Group, Inc.,
and Inlet Cove Club Homeowners
Association, Inc.

Respondents/Appellants

**APPELLANTS/RESPONDENTS' DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Ellis R. Lesemann
Michelle A. Matthews
Lesemann & Associates LLC
80 Alexander Street, Second Floor
Charleston, South Carolina 29403
(843) 724-5155
Attorneys for Appellants/Respondents

Appellants/Respondents Kiawah Resort Associates, L.P., and KDP II LLC, propose the following matter be included in the Record on Appeal, in addition to the items designated by

Respondents/Appellants:

1. Email dated October 31, 2013, from counsel for Intervenors KPOG and Inlet Cove to Judge Scarborough with attached proposed Order Granting Intervention
2. Letter dated November 5, 2013, from counsel for Plaintiffs Kiawah Resort Associates, L.P., and KDP II to Judge Scarborough regarding Order Granting Intervention
3. Hearing Transcript pp. 515, 528-530, 538, 549, 562, 574, 594
4. Plaintiffs Kiawah Resort Associates, L.P., and KDP II LLC's Motion for Relief from the Order Granting Intervention (with exhibits)
5. Defendant Kiawah Island Community Association, Inc.'s Response to Plaintiffs' Motion for Relief from the Order Granting Intervention
6. Judgment in a Civil Case denying Plaintiffs' Kiawah Resort Associates, L.P., and KDP II LLC's Motion for Relief from the Order Granting Intervention
7. Final Order dated June 4, 2014
8. Plaintiffs' Motion to Alter or Amend the Final Order dated June 16, 2014
9. Plaintiffs' Reply in Support of Motion to Alter or Amend the Final Order dated August 8, 2014
10. Order on Motion to Alter or Amend the Final Order dated May 7, 2015

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

Respectfully submitted,

By: 

Ellis R. Lesemann

erl@lalawsc.com

Michelle A. Matthews

mam@lalawsc.com

LESEMANN & ASSOCIATES LLC

80 Alexander Street, Second Floor

Charleston, SC 29403

Attorneys for Appellants/Respondents

Kiawah Resort Associates, L.P., and KDP

II, LLC

August 31, 2015

Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Master-In-Equity

Mikell R. Scarborough, Master-In-Equity for Charleston County

Appellate Case No. 2015-001146
Trial Court Case No. 2013-CP-101025

RECEIVED

SEP 03 2015

SC Court of Appeals

Kiawah Resort Associates, L.P., a
Delaware Limited Partnership, and KDP
II LLC, a South Carolina Limited
Liability Company,

Appellants/Respondents,

v.

Kiawah Island Community Association,
Inc., a South Carolina Not-for-Profit
Corporation,

Respondent,

and

Kiawah Property Owners Group, Inc.,
and Inlet Cove Club Homeowners
Association, Inc.


Respondents/Appellants

PROOF OF SERVICE

I hereby certify that I have this date, mailed, postage prepaid, a true and correct copy of the **Answering Brief of Appellants/Respondents and Appellants/Respondents' Designation of Matter to be Included in the Record on Appeal** to the following counsel of record:

Allison C. Jett, Esquire
Weissman Nowack Curry & Wilco
One Alliance Center, 4th Floor
3500 Lenox Road
Atlanta, GA 30326
Attorneys for Respondent
Kiawah Island Community Association

Amy E. Armstrong, Esquire
Jessie White, Esquire
S.C. Environmental Law Project
Post Office Box 1380
Pawleys Island, SC 29585
**Attorneys for Respondents/Appellants
Kiawah Property Owners Group, Inc.,
and Inlet Cove Homeowners Association, Inc.**

By: 
Ellis R. Lesemann

August 31, 2015
Charleston, South Carolina

LESEMANN & ASSOCIATES LLC

CIVIL LITIGATION | BUSINESS DISPUTES

ELLIS R. LESEMANN
EMAIL: erl@lalawsc.com

80 ALEXANDER STREET, SECOND FLOOR
CHARLESTON, SOUTH CAROLINA 29403

DIRECT: (843) 724-5156
WEBSITE: www.lalawsc.com

TELEPHONE (843) 724-5155

RECEIVED

August 31, 2015

SEP 03 2015

SC Court of Appeals

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

Re: *Kiawah Resort Associates, L.P., et al. vs. Kiawah Island Community Association, Inc., et al.*
Appellate Case No.: 2015-001146

Dear Ms. Kitchings:

Enclosed for filing please find the original and one (1) copy of the Answering Brief of Appellant/Respondents Kiawah Resort Associates, L.P., and KDP II LLC and Designation of Matter, as well as a Proof of Service, in connection with the above-referenced matter. Please file the original of this pleading with the Court and return a file-stamped copy to me in the self-addressed, stamped envelope provided.

Your assistance with this matter is greatly appreciated.

With best regards,



Ellis R. Lesemann

ERL/ajs
Enclosures

cc: Allison C. Jett, Esq.
Amy E. Armstrong, Esq.