

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

RECEIVED

John A. Massalon, Esquire, Limited Special Referee MAR 14 2016

SC Court of Appeals

Case No. 2012-CP-10-5093

Charleston County School District, Plaintiff,

v.

Clemson University and City of North Charleston, Defendants,

Project: Intermodal Container Transfer Facility Tract: 11

South Carolina Department of Commerce, Division of Public Railways,
Condemnor,

v.

Clemson University, Landowner,

and

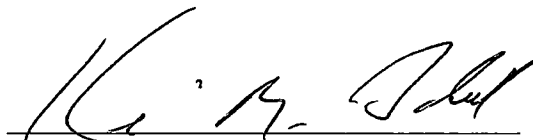
Charleston Naval Complex Redevelopment Authority, City of North Charleston,
Commissioners of Public Works for the City of Charleston, North Charleston
Sewer District, BellSouth Telecommunications, Inc., Business Telecom,
Incorporated, South Carolina Electric & Gas Company and Charleston County
School District, Other Condemnees,

Of which Clemson University and South Carolina Department of Commerce,
Division of Public Railways are the Appellants,

and Charleston County School District is the Respondent.

APPELLANTS' RETURN TO
RESPONDENT'S MOTION TO DISMISS

Appellants submit this Return to the Motion to Dismiss filed by Respondent Charleston County School District. Respondent is correct that the Consent Order of Limited Reference and Scheduling Order dated April 23, 2014, provided that any appeals of the Limited Special Referee's decisions were to take place after the entire matter had been finally decided by the Circuit Court. Appellants are not attempting to evade compliance with that Consent Order of Limited Reference. However, in light of S. C. Code § 14-11-85 and Rule 53, SCRC, Appellants filed the Notices of Appeal, in an abundance of caution, to ensure that no right of appeal was lost as to any issue.



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Division of Public Railways

March 14, 2016

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Division of Public Railways are the Appellants,

and Charleston County School District is the Respondent.

PROOF OF SERVICE

I, Connie W. Grugan, legal assistant to the law firm of Lewis Babcock L.L.P., hereby certify that I have served **Appellants' Return to Respondent's Motion to Dismiss** upon counsel by mailing a copy of same, postage prepaid and return address clearly indicated, to counsel addressed as follows:

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Connie W. Grugan

This 14th day of March, 2016.



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SC Court of Appeals

HAND DELIVERED.

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: Charleston County v. Clemson University, et al. and
South Carolina Department of Commerce, Division of Public Railways v.
Clemson University, et al., Appellate Case No. 2016-000426

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of Appellants' Return to Respondent's Motion to Dismiss in the above-referenced matter for filing with your office. Please return a clocked copy via our courier.

With best regards, I am

Very truly yours,

Keith M. Babcock

KMB:cg
Enclosure

cc: Abigail B. Walsh, Esquire
Christopher L. Murphy, Esquire
Richard D. Bybee, Esquire
Newman Jackson Smith, Esquire
Wendy Wilkie Parker, Esquire
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