

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

The Hon. Daniel D. Hall, Circuit Court Judge
S. Jackson Kimball, Special Circuit Court Judge

Case No.: 2013-CP-46-00246

Morningstar Fellowship Church,

Appellant-Respondent,

v.

York County, South Carolina

Respondent-Appellant.

RESPONDENT/APPELLANT'S DESIGNATION OF MATTER

Pursuant to Rule 209 S.C. App. Ct. R., Respondents designate the following matter to be included in the record on appeal:

I. Orders

1. Order Granting in Part and Denying in Part Motion for Summary Judgment, filed July 16, 2014;
2. Order on Motion to Alter or Amend, filed Sept. 29, 2014;
3. Order on Defendant York County's Motion to Exclude Damages and Motion in Limine, filed February 3, 2015;
4. Order Granting Defendant's Renewed Motion for Entry of Judgment, filed Nov. 10, 2015.

II. Motions

1. Defendant's Motion for Summary Judgment or Partial Summary Judgment with Supporting Memorandum and Exhibits, filed April 30, 2014;
2. Defendant's Motion for Reconsideration, filed July 29, 2014;
3. Defendant's Motion to Exclude Damages, including Exhibits, filed Sept. 15, 2014;
4. Defendant's Motions *in Limine*, filed Jan. 23, 2015;

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5. Plaintiff's Memorandum in Opposition to Motion to Exclude Damages, filed Jan. 23, 2015;
6. Defendant's Pretrial Brief
7. Defendant's Motion for Entry of Judgment, filed Feb. 4, 2015;
8. Defendant's Motion to Dismiss Appeal, filed Feb. 13, 2015;
9. Plaintiff's Return to Motion to Dismiss Appeal, filed March 4, 2015;
10. Defendant's Renewed Motion for Entry of Judgment, filed October 20, 2015;
11. Plaintiff's Response to Defendant's Motion for Entry of Judgment, filed Feb. 11, 2015;

III. Pleadings

1. Summons and Complaint, filed Jan 24, 2013;
2. Answer and Counterclaims, filed March 23, 2013.
3. Reply, filed May 3, 2013

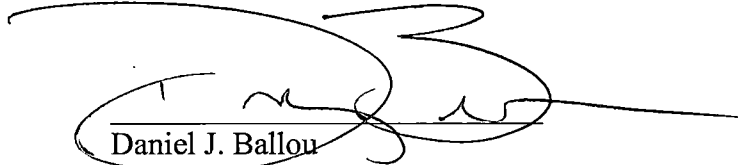
IV. Transcripts

1. Transcript of Hearing, June 19, 2014
2. Transcript of Hearing, September 18, 2014
3. Transcript of Hearing, February 2, 2015
4. Transcript of Hearing, October 27, 2015;
5. Transcript of Deposition of Pat Selvey – pp. 14-18; 24-26; 28-33; 35-43; 49-51; 60-64; 69-70; 74-75; 80-106; All Exhibits
6. Transcript of Deposition of Dave Yarnes – pp. 111-114; 238-239; 282-286; 291-293; 368; 370-371; 419-427; 430-449; 460-461; 470; 485; 601-602; Exhibits 23-29, 34
7. Transcript of Deposition of Gerald Lee – pp. 14-16; 26-32; 53-60; 68-69; 72-74; 90-93; 83-84; 97; Exhibits 2, 7, 11, 12, 13, 14
8. Transcript of Deposition of Rick Joyner – pp. 421-423; 498-504; 511-514; 578-584; 591-592
9. Transcript of Deposition of Derrick Boyte –p. 20-28
10. Transcript of Deposition of James Baker – p. 65-69; Exhibit 12
11. Transcript of Deposition of Susan Britt – pp. 25-40, Exhibits 1,2, 4, 7

V. Other Documents

1. Affidavit of Pat Selvey
2. Affidavit of Dave Yarnes
3. Affidavit of Rebecca Bowyer
4. Notice of Appeal,
5. Notice of Cross-Appeal,

April 13, 2016

A handwritten signature in black ink, appearing to read 'Daniel J. Ballou', is written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

Daniel J. Ballou
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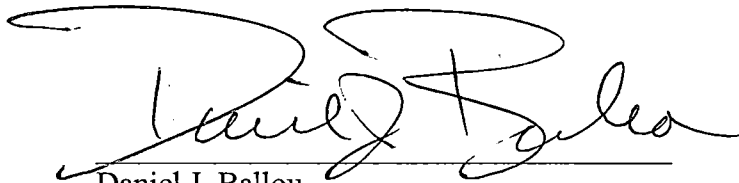
York County, South Carolina

Respondent- Appellant.

PROOF OF SERVICE

The undersigned certifies that she has served this Respondent/Appellant's Designation of Matter to Be Included in the Record on Appeal by depositing a copy of it in the United States Mail, postage prepaid, on April 15, 2016, addressed to its attorney of record, Richard B. Fennell, James, McElroy & Diehl, PA, 600 South College Street, Charlotte, North Carolina 28202.

April 15, 2016



Daniel J. Ballou
MORTON & GETTYS, LLC
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Attorney for Respondent/Appellant



HAMILTON
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April 15, 2016

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

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RE: Morningstar Fellowship Church vs. York County
Appellate Case No.: 2015-002460

SC Court of Appeals

Dear Ms. Kitchings:

Enclosed for filing in the above-named matter are the original and one copy each of the following:

- 1) Respondent-Appellant's Initial Appellate Brief, including Proof of Service;
- 2) Respondent-Appellant's Designation of Matter to be Included in the Record on Appeal, including Proof of Service;
- 3) Respondent-Appellant's Respondent's Brief, including Proof of Service.

Please file the original documents and return clocked copies of each to me in the envelope that I have provided.

By copy of this letter, I am forwarding copies of Respondent-Appellant's Initial Appellate Brief, Respondent-Appellant's Designation of Matter to be Included in the Record on Appeal and Respondent-Appellant's Respondent's Brief and Proofs of Service to counsel for the Appellant-Respondent.

Please call me if you have any questions or concerns. Thank you for your assistance in this matter.

Sincerely,

L. Melia Sweatt
Paralegal

/lms
Enclosures

Hamilton Martens, LLC

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cc: Richard B. Fennell
James McElroy & Diehl, PA
600 South College Street
Charlotte, NC 28202

Dan Ballou
Michael Kendree