

STATE OF SOUTH CAROLINA

In the Court of Appeals

Appeal from Charleston County
Court of Common Pleas
Mikell Scarborough, Master-in-Equity

Case No. 2010-CP-10-5449
App. No. 2015-002550

Nathan Bluestein, Ettaleah Bluestein, M.D.,
Theodore Albenesius, III, and Karen Albenesius,

Appellants,

v.

Town of Sullivan's Island and Sullivan's Island Town Council,

Respondents.

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

Pursuant to Rule 209, SCACR, Appellants designate the following items for inclusion
in the Record on Appeal:

Pleadings and Motions

Second Amended Complaint, with attachments;

Answer to the Second Amended Complaint;

Plaintiffs' Motion for Partial Summary Judgment, with supporting memorandum and
any attachments;

Defendants' Motion for Partial Summary Judgment regarding Breach of Contract Accompanied by a Fraudulent Act Claim, with supporting memorandum and any attachments;

Defendants' Motion to Strike Damages Relief Due to Lack of Ripeness In Light of OCRM "Critical Line", with supporting memorandum and any attachments";

Defendants' Motion for Summary Judgment on All Cause of Action Due to Plaintiff's Lack of Any Right to Control or Look Over Neighboring Parcel, with supporting memorandum and any attachments;

Defendants' Motion for Partial Summary Judgment Regarding Nuisance Claims, with supporting memorandum and any attachments;

Plaintiffs' Motion to Reconsider, Alter or Amend, with supporting memorandum and any attachments;

Plaintiffs' Motion for Reconsideration and Clarification on August 17, 2015, with supporting memorandum and any attachments;

Town's Motion for Summary Judgment Based on Plaintiffs' Admission and Deed Restriction Paragraph 6 with Incorporated Memorandum of Law, September 14, 2015, with supporting memorandum and any attachments; and

Together with any memoranda in opposition or in reply to these motions with any attachments.

Orders:

Order of Reference;

Order granting Defendants motion for summary judgment as to breach of contract accompanied by a fraudulent act, filed May 21, 2104;

Order Granting Summary Judgment to Defendants Regarding Breach of Contract by Accompanied by Fraudulent Act, filed December 4, 2014;

Order Granting Summary Judgment to Defendants based on Plaintiffs' Lack of Right to a View, filed July 30, 2015;

Order Granting Defendants' Motion to Strike Damages Claim Due to Location of OCRM Critical Line, filed July 30, 2015;

Order, denying the Defendants' Motion for Summary Judgment on Plaintiffs' causes of action for Declaratory Judgment, Claim of Mandamus, Nuisance, Untimeliness, and Contract Clause, filed August 4, 2015;

Order denying Plaintiffs' motion to alter or amend, filed August 4, 2015;

Order, denying Plaintiffs' motion for summary judgment on breach of contract, filed August 5, 2015;

Order, denying Plaintiffs' motion for reconsideration, filed November 5, 2015; and

Order Granting Defendants' Motion for Summary Judgment on Plaintiffs' Nuisance, Breach of Contract, and Mandamus Claims, filed November 10, 2015.

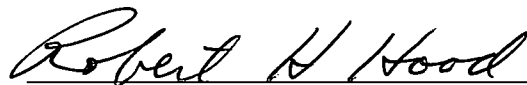
Notice of Appeal.

Hearing Transcripts:

Transcripts of Hearings, May 19, 2014, February 25, 2015. July 20, 2015, and October 1, 2015.

The undersigned certifies that this Designation contains no material which is irrelevant to the appeal.

Hood Law Firm, LLC



Robert H. Hood, Sr. (SC# 2599)
James B. Hood (SC #70212)
A. Walker Barnes (SC # 78485)
Deborah H. Sheffield, Of Counsel (SC #2757)
172 Meeting Street~ P.O. Box 1508
Charleston, South Carolina 29402
Phone: (843)577-4435
Facsimile: (843) 722-1630

Attorneys for the Appellants
Nathan Bluestein, Ettaleah Bluestein, M.D.,
Theodore Albenesius, III, and
Karen Albenesius

July 15, 2016

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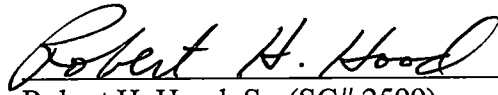
Respondents.

Certificate of Service

The undersigned certifies that on this 15th day of July, 2016, a copy of the Initial Brief and Designations on behalf of Appellants Nathan Bluestein, Ettaleah Bluestein, M.D., Theodore Albenesius, III, and Karen Albenesius, were served by depositing said copy in the U.S. Mail, with sufficient first class postage, on the following counsel at the addresses listed below:

J. Brady Hair
Van Raalte, Derk IV (SC # 9286)
Law Offices of J. Brady Hair
2500 City Hall Lane (29406)
PO Box 61896
N. Charleston SC 29419

Hood Law Firm, LLC

A handwritten signature in cursive script that reads "Robert H. Hood". The signature is written in black ink and is positioned above a horizontal line.

Robert H. Hood, Sr. (SC# 2599)

James B. Hood (SC #70212)

A. Walker Barnes (SC # 78485)

Deborah H. Sheffield, *Of Counsel* (SC #2757)

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Attorneys for the Appellants

Nathan Bluestein, Ettaleah Bluestein, M.D.,

Theodore Albenesius, III, and

Karen Albenesius

July 15, 2016

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SC Court of Appeals

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

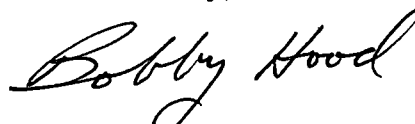
Re: Nathan Bluestein, Ettaleah Bluestein, M.D., Theodore Albenesius, III, and Karen Albenesius v. Town of Sullivan's Island and Sullivan's Island Town Council
C/A No. 2010-CP-10-5449
Appeal No. 2015-002550
HLF File No. 625.002

Dear Ms. Kitchings:

Enclosed please find the original and one copy of the Initial Brief of Appellants Nathan Bluestein, Ettaleah Bluestein, M.D., Theodore Albenesius, III, and Karen Albenesius, the Initial Designations of Matter to be included in the Record on Appeal and the Certificate of Service. Please return clocked in copies of each in the enclosed envelope. By copy of this letter we are serving counsel for the Respondents.

Kind regards,

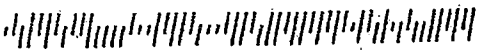
Yours truly,



Robert H. Hood

RHH/mdh
Enclosures

cc: J. Brady Hair, Esquire (w/ enclosures)



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Hood Law Firm, LLC
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