

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Hon. Mikell Scarborough, Master in Equity

Case No. 2010-CP-10-5449

RECEIVED

AUG 17 2016

SC Court of Appeals

Nathan Bluestein, et al.,

Appellants,

v.

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

Respondents

DESIGNATION OF MATTER TO BE INCLUDED ON APPEAL

In addition to the items designated by Appellants, the Town respectfully designates:

ORDERS

Order Denying Plaintiffs' Summary Judgment Motion Regarding Breach of Contract filed November 5, 2015

TRANSCRIPTS

Hearing Transcript from November 25, 2013, pp. 2-3

Deposition Transcript of Nathan Bluestein, pp. 70-74

Deposition Transcript of Theodore Albenesius, pp. 17-22 and 30

EXHIBITS

OCRM MAP – legible color version to replace the Clerk’s B&W scan seen on Page 4 of Judge Scarborough’s July 30, 2015 Order Granting Defendants’ Motion To Strike Damages Claims Due to Location of OCRM Critical Line.

Churdar Letter (Exhibit A to Memo in Support of Defendants’ Motion to Strike Damages Relief Due to Lack of Ripeness in Light of OCRM Critical Line and cited on Page 5 of associated order)

Affidavit of Elizabeth Hagood, LOLT with Exhibits (Exhibit to Memo in Support of Defendants’ Motion for Summary Judgment on All Causes of Action Due to Plaintiffs’ Lack of Any Right to Control or Look Over Neighboring Parcels.)

1995 Town Ordinance (Exhibit to Memo in Support of Defendants’ Motion for Summary Judgment on All Causes of Action Due to Plaintiffs’ Lack of Any Right to Control or Look Over Neighboring Parcels.)

2005 Town Ordinance (Exhibit to Memo in Support of Defendants’ Motion for Summary Judgment on All Causes of Action Due to Plaintiffs’ Lack of Any Right to Control or Look Over Neighboring Parcels.)

I certify that this designation does not contain extraneous matters to the appeal.

Aug, 15 2016



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Counsel for the Respondents

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CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief complies with Rule 211(b), SCAR.

_____, 2016

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CERTIFICATE OF SERVICE

I certify that I have served the Appellants and the Hon. Jenny Abbott Kitchings by depositing a copy of the following documents:

Initial Brief of the Respondents

Initial Designation of Matter to be Included in Record on Appeal

In the care of the United States Postal Service, postage prepaid, addressed either directly or to their respective attorneys of record as follows:

Robert Hood, Sr.
James Hood
Walker Barnes
Deborah Sheffield, *Of Counsel*
172 Meeting Street

PO Box 1508
Charleston, SC 29402

Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

August 15, 2016



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August 15, 2016

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

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AUG 17 2016
SC Court of Appeals

Re: Nathan Bluestein, et al. v Town of Sullivan's Island
C/A No. 2010-CP-10-5449
Appeal No. 2015-002550

Dear Ms. Kitchings:

Enclosed please find the original and one copy of the Initial Brief of the Respondents, the Initial Designation of Matter to be Included in the Record on Appeal, and a 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 Appellants.

Sincerely,


Derk Van Raalte

cc: Brady Hair
Robert H. Hood (w/ enclosures)