

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Honorable Mikell R. Scarborough

Appellate Case Tracking No. 2016-001298
Trial Court Case No. 2015CP1000939

Vivian B. Cromwell, Susan Prioleau Simmons, Ruth Nelson Gadsden, Robert Blake Brisbane and Mildred Chapman, Plaintiffs

v.

Alberta Brisbane, Jeanie Geathers, LeRoy Brisbane, Francena B. Lawton, James B. Watson, Helen Davis, Rosalee Simmons, LaVerne Hamilton, Minerva Gadsden, Daniel Simmons, Jr., Mary Mosely, Horace Robinson, Jr., James Robinson, Henry Robinson, Avis D. Robinson a/k/a Avis Robertson, Dora Robinson, Jamie Williams, Desiree Williams, Mark Williams, Grace Ettison, Dannion Jordan, Ronald Williams, William Drayton, Keith Drayton, Jerome Hopkins, Joseph Hopkins, Jr., Tracy Hopkins, Alethia Gillian, Samuel Brown, Jeannette Brown, Arthur Brown, Antonio Brown, Dwayne Brown, Polly Brown, Keith Brown, Kenny Brown, Dexter Brown, Marie Brown, Starcia Stewart, James L. Brown, Jr., Glen Brown, Ernestine Brown, Veronica Brown, Calvin Brown, Jr., Harold Brown, Jr., Mary Anne Brisbane, Harvey Brisbane, Jr., Danny Bolds, Raymond Bolds, Michael Bolds, David Bolds, Carolyn Logan, Mary Jane Brown, Miriam Grant a/k/a Muriel Grant, Edward Grant, Jr., Gilbert Grante, Perry Grant, Junata O'Kieffe, Martha Lions, Margie Marine, Gurtha Forrest, Gloria Gibbs, Christopher Gathers, John D. Heyward, Allen Mitchell, Jr., Tiffany N. Daley, Michael S. Mitchell, Allen Mitchell, III, Frederica Coleman, Dorothy Boykin, Lavinia Brisbane, Clarence Brisbane, Jr., Betty Brisbane, Fred Brisbane, Evelyn Palmer, Mary Brisbane, Carl Brisbane, Carlotta Bickham, George Brisbane, Elias Brisbane, Maxine Brisbane, Evan Brisbane, Jesse Simmons, Jr., Odell White, Christina Hartfield, Sarah Mitchell, Arthur Albert Mitchell, Suzanne Mitchell, Olethia Gadsen, Wand Mitchell Harley, Arthur Mitchell, Jr., Benjamin Mitchell, Barbara Johnson, Diane B. Samuel, Kathy L. Nelson, Thelma E. Nelson, Carolyn Singleton, LaMotta Nelson, Rodney Nelson, Jerome Hopkins, Joseph Hopkins, Jr., Tracy Hopkins, Lottie Brown, Sylvia Johnson, Raymon Brown, Ronald Brown, Bernard Frasier, Barry Frasier, Kelvin Frasier, Marie Richardson, Delores Richardson, William Richardson, Robert Heyward, Katina Heyward, Valorie Heyward, Karvin Dotson, Youlonda Brisbane, Kermit Brisbane, Meka Brisbane, Jermaine Brisbane, Peggy Nelson, Joseph Elliott, Cynthia Elliott, Jackie Elliott, Net Elliott, Stephanie Elliott, Rodney Elliott, Nancy Brisbane, William Albert Brisbane,

RECEIVED
AUG 17 2016
SC Court of Appeals

Jr., Bernard Brisbane, Gary Brisbane, Bonnie Brisbane, Jametta Brisbane Hamilton, Elizabeth Hamilton and Rosetta B. Brown, John Doe, adults and Richard Roe, infants, Insane persons, incompetents and persons in the military Service of the United States of America, being fictitious Names designating as a class any unknown person or Persons who may be an heir, distribute, devisee, legatee, Widower, widow, assign, administrator, executor, Creditor, successor, personal representative, issue or Alienee of James Brisbane, James Brisbane, Jr., James Brisbane, III, Jimmy Brisbane, Emily Brown, Harvey Brisbane, Rosa Robinson, Henrietta Brisbane Geathers, Laura Geathers, Geneva Grant, Viola Heyward, Henrietta Bolds, Estelle Nelson, Swackie Brisbane, Wilhemenia Young, Roxanne Pinckney, Daniel Simmons, Horace Robinson, Elizabeth Williams, Mabel Robinson, Julian Robinson, Patricia Williams, Alberta Graham, Joseph E. Hopkins, Emily Brown, Steve Brown, Steve Brown, Jr., Roger Brown, James LeRoy Brown, Harold Brown, Theodore Heyward, Theodore Heyward, Jr., Mary E. Mitchell, James Heyward, Clarence Brisbane, Swackie Brisbane, Jr., Susan Richardson, Janie Simmons a/k/a Janie Richardson Brisbane, Ruby Mitchell, Jesse Simmons, William Nelson, Ruth Hopkins, Thomas Brown, Wilhemenia Frasier, Helen Brown Allen, Albertha Lee Richardson, Louise Heyward, Herbert Lee Heyward, Loretta Brisbane, Gail Davis, William Nelson, Jr., Edward Grant, Sr., Eartha Lee Elliott, William Albert Brisbane, Betty Manigault, Steven Christopher Brown And Rosetta Brisbane all of whom are deceased, and any or all other persons or legal entities, known and unknown, claiming any right, title, interest or estate in or lien upon the parcel of real estate described in the Lis Pendens and Complaint herein filed, Defendants,

And Associated Developers, Inc. and Nordic Group, LLC, Intervenors,

Of Which Associated Developers, Inc. is the Respondent,

And of which Nordic Group, LLC is the Appellant.

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

Intervenor-Appellant Nordic Group, LLC ("Appellant") proposes the following be included in the Record on Appeal:

1. Complaint filed February 13, 2015

2. Intervenor Associated Developers, Inc.'s Notice of Motion and Motion for Intervention filed February 5, 2016
3. Appellant's Motion to Intervene filed March 4, 2016
4. Order Granting Intervenor Associated Developers, Inc.'s Motion for Intervention filed April 27, 2016
5. Order Granting Appellant's Motion to Intervene filed April 27, 2016
6. Transcript of Hearing dated May 3, 2016
7. Form 4 Order of Judge Scarborough, filed May 5, 2016.
8. Appellant's Motion to Reconsider, Alter, or Amend and Exhibits filed May 16, 2015
9. Affidavit of Sheneatha Brisbane in Support of Appellant's Motion to Reconsider, Alter or Amend filed June 3, 2016
10. Affidavit of Germaine Brisbane in Support of Appellant's Motion to Reconsider, Alter or Amend filed June 3, 2016
11. Affidavit of James A. Bruorton, IV and Exhibits filed June 3, 2016
12. Transcript of Hearing dated June 7, 2016
13. Master's Decree filed June 16, 2016
14. Notice of Appeal filed June 16, 2016
15. Order Granting Nordic Group, LLC's Petition for *Supersedeas* filed August 8, 2016

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

ROSEN, ROSEN & HAGOOD, LLC

By: 

James A. Bruorton, IV, SC Bar No. 71300

Timothy J.W. Muller, SC Bar No. 74601

151 Meeting Street, Suite 400

Post Office Box 893

Charleston, SC 29402

(843) 577-6726

cbruorton@rrhlawfirm.com

tmuller@rrhlawfirm.com

ATTORNEYS FOR APPELLANT

August 15, 2016

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Honorable Mikell R. Scarborough

Appellate Case Tracking No. 2016-001298
Trial Court Case No. 2015-CP-10-00939

RECEIVED
AUG 17 2016
SC Court of Appeals

Vivian B. Cromwell, Susan Prioleau Simmons, Ruth Nelson Gadsden, Robert
Blake Brisbane and Mildred Chapman, Plaintiffs

v.

Alberta Brisbane, Jeanie Geathers, LeRoy Brisbane, Francena B. Lawton,
James B. Watson, Helen Davis, Rosalee Simmons, LaVerne Hamilton,
Minerva Gadsden, Daniel Simmons, Jr., Mary Mosely, Horace Robinson, Jr.,
James Robinson, Henry Robinson, Avis D. Robinson a/k/a Avis Robertson,
Dora Robinson, Jamie Williams, Desiree Williams, Mark Williams, Grace
Ettison, Dannion Jordan, Ronald Williams, William Drayton, Keith Drayton,
Jerome Hopkins, Joseph Hopkins, Jr., Tracy Hopkins, Alethia Gillian,
Samuel Brown, Jeannette Brown, Arthur Brown, Antonio Brown, Dwayne
Brown, Polly Brown, Keith Brown, Kenny Brown, Dexter Brown, Marie
Brown, Starcia Stewart, James L. Brown, Jr., Glen Brown, Ernestine Brown,
Veronica Brown, Calvin Brown, Jr., Harold Brown, Jr., Mary Anne Brisbane,
Harvey Brisbane, Jr., Danny Bolds, Raymond Bolds, Michael Bolds, David
Bolds, Carolyn Logan, Mary Jane Brown, Miriam Grant a/k/a Muriel Grant,
Edward Grant, Jr., Gilbert Grante, Perry Grant, Junata O'Kieffe, Martha
Lions, Margie Marine, Gurtha Forrest, Gloria Gibbs, Christopher Gathers,
John D. Heyward, Allen Mitchell, Jr., Tiffany N. Daley, Michael S. Mitchell,
Allen Mitchell, III, Frederica Coleman, Dorothy Boykin, Lavinia Brisbane,
Clarence Brisbane, Jr., Betty Brisbane, Fred Brisbane, Evelyn Palmer, Mary
Brisbane, Carl Brisbane, Carlotta Bickham, George Brisbane, Elias Brisbane,
Maxine Brisbane, Evan Brisbane, Jesse Simmons, Jr., Odell White, Christina
Hartfield, Sarah Mitchell, Arthur Albert Mitchell, Suzanne Mitchell, Olethia
Gadsen, Wand Mitchell Harley, Arthur Mitchell, Jr., Benjamin Mitchell,
Barbara Johnson, Diane B. Samuel, Kathy L. Nelson, Thelma E. Nelson,
Carolyn Singleton, LaMotta Nelson, Rodney Nelson, Jerome Hopkins,
Joseph Hopkins, Jr., Tracy Hopkins, Lottie Brown, Sylvia Johnson, Raymon
Brown, Ronald Brown, Bernard Frasier, Barry Frasier, Kelvin Frasier, Marie
Richardson, Delores Richardson, William Richardson, Robert Heyward,
Katina Heyward, Valorie Heyward, Karvin Dotson, Youlonda Brisbane,

Kermit Brisbane, Meka Brisbane, Jermaine Brisbane, Peggy Nelson, Joseph Elliott, Cynthia Elliott, Jackie Elliott, Net Elliott, Stephanie Elliott, Rodney Elliott, Nancy Brisbane, William Albert Brisbane, Jr., Bernard Brisbane, Gary Brisbane, Bonnie Brisbane, Jametta Brisbane Hamilton, Elizabeth Hamilton and Rosetta B. Brown, John Doe, adults and Richard Roe, infants, Insane persons, incompetents and persons in the military Service of the United States of America, being fictitious Names designating as a class any unknown person or Persons who may be an heir, distribute, devisee, legatee, Widower, widow, assign, administrator, executor, Creditor, successor, personal representative, issue or Alienee of James Brisbane, James Brisbane, Jr., James Brisbane, III, Jimmy Brisbane, Emily Brown, Harvey Brisbane, Rosa Robinson, Henrietta Brisbane Geathers, Laura Geathers, Geneva Grant, Viola Heyward, Henrietta Bolds, Estelle Nelson, Swackie Brisbane, Wilhemenia Young, Roxanne Pinckney, Daniel Simmons, Horace Robinson, Elizabeth Williams, Mabel Robinson, Julian Robinson, Patricia Williams, Alberta Graham, Joseph E. Hopkins, Emily Brown, Steve Brown, Steve Brown, Jr., Roger Brown, James LeRoy Brown, Harold Brown, Theodore Heyward, Theodore Heyward, Jr., Mary E. Mitchell, James Heyward, Clarence Brisbane, Swackie Brisbane, Jr., Susan Richardson, Janie Simmons a/k/a Janie Richardson Brisbane, Ruby Mitchell, Jesse Simmons, William Nelson, Ruth Hopkins, Thomas Brown, Wilhemenia Frasier, Helen Brown Allen, Albertha Lee Richardson, Louise Heyward, Herbert Lee Heyward, Loretta Brisbane, Gail Davis, William Nelson, Jr., Edward Grant, Sr., Eartha Lee Elliott, William Albert Brisbane, Betty Manigault, Steven Christopher Brown And Rosetta Brisbane all of whom are deceased, and any or all other persons or legal entities, known and unknown, claiming any right, title, interest or estate in or lien upon the parcel of real estate described in the Lis Pendens and Complaint herein filed, Defendants,

And Associated Developers, Inc. and Nordic Group, LLC, Intervenors,

Of Which Associated Developers, Inc. is the Respondent,

And of which Nordic Group, LLC is the Appellant.

RECEIVED

AUG 17 2016

SC Court of Appeals

PROOF OF SERVICE

I hereby certify that on August 15, 2016, I have served a copy of Appellant's Designation of Matter to be Included in the Record on Appeal on all counsel by electronic transmission and U.S. Mail addressed as follows:

John J. Dodds, III, Esquire
Cisa & Dodds
858 Low Country Blvd. Ste. 101
Mt. Pleasant SC 29464
ATTORNEY FOR PLAINTIFFS

Arthur C. McFarland
Law Office of Arthur McFarland
1847 Ashley River Rd. Ste 200
P.O. Box 80609
Charleston, SC 29407
ATTORNEY FOR DEFENDANTS

Walter Richardson Kaufmann
PO Box 459
Mt. Pleasant, SC 29465
ATTORNEY FOR DEFENDANTS

John E. Romanosky, Jr.
Law Office of John Romanosky
PO Box 603
Charleston, SC 29402
ATTORNEY FOR INTERVENOR ASSOCIATED DEVELOPERS, INC.

Michael A. Timbes
15 Middle Atlantic Wharf
Charleston, SC 29401
ATTORNEY FOR INTERVENOR ASSOCIATED DEVELOPERS, INC.

J. Christopher Lanning, Esquire
Lanning Law Firm
2036 Ewall St. Suite F
Mt. Pleasant, SC 29464
ATTORNEY FOR APPELLANT-INTERVENOR NORDIC GROUP, LLC

ROSEN, ROSEN & HAGOOD, LLC

By: 

James A. Bruorton, IV, SC Bar No. 71300

Timothy J.W. Muller, SC Bar No. 74601

151 Meeting Street, Suite 400

Post Office Box 893

Charleston, SC 29402

(843) 577-6726

cbruorton@rrhlawfirm.com

tmuller@rrhlawfirm.com

August 15, 2016

ATTORNEYS FOR APPELLANT

ROSEN | HAGOOD

James A. Bruorton, IV
cbruorton@rrhlawfirm.com

RECEIVED

AUG 17 2016

SC Court of Appeals

August 15, 2016

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

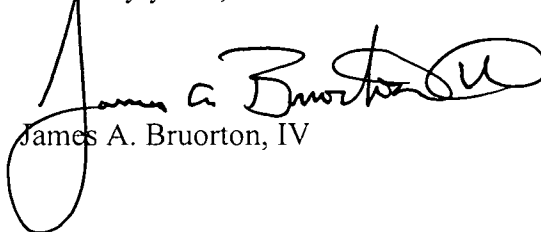
Re: Vivian Cromwell, et al. v. Alberta Brisbane, et al.
Case No.: 2015-CP-10-000939
Appellate Case No.: 2016-001298

Dear Ms. Kitchings:

Enclosed please find the original and one copy of Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal. I would appreciate your returning a filed copy of each in the enclosed envelope.

With kind regards, I am

Sincerely yours,



James A. Bruorton, IV

CAB/see
Enclosures

cc: John Joseph Dodds, III, Esquire
John E. Romanosky, Jr., Esquire
J. Christopher Lanning, Esquire
Arthur C. McFarland, Esquire
Michael Timbes, Esquire
Walter R. Kaufmann, Esquire

9187.026



US POSTAGE
\$ 03.46
Mailed From 29401
08/15/2016
031A 0004182841

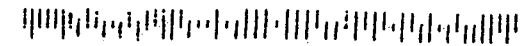
First Class Mail

RECEIVED

AUG 17 2016

SC Court of Appeals

Rosen, Rosen & Hagood, LLC
Attorneys And Counselors At Law
P.O. Box 893
Charleston, South Carolina 29402



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

RECEIVED

AUG 17 2016

SC Court of Appeals