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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
In the Court of Common Pleas for the Eleventh Circuit

Markley R. Dennis, Jr., Circuit Court Judge

Case No. 2010-CP-10-10495

RECEIVED

JAN 11 2017

SC Court of Appeals

Project: Intermodal Container Transfer Facility

Tract: 11

South Carolina Department of Commerce, Division of
Public RailwaysCondemnor

vs.

Clemson University Landowner

and

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

Of whom Charleston County School District isAppellant


NOTICE OF APPEAL

Other Condemnee/Appellant Charleston County School District hereby appeals from: (a) the Order Transferring Case to the Non-Jury Docket, which the Honorable R. Markley Dennis, Jr. signed on October 19, 2016 and filed on October 21, 2016 in this matter (attached hereto as Exhibit A); and (b) the Order Denying Motion for Reconsideration, which the Honorable R. Markley Dennis, Jr. signed and filed on

December 16, 2016 (attached hereto as Exhibit B). Other Condemnee/Appellant Charleston County School District received written notice of entry of the Order ruling on its Rule 59 motion to reconsider (Exhibit B) on December 16, 2016.

January 9, 2017

BARNWELL WHALEY PATTERSON &
HELMS, LLC

By: 
M. Dawes Cooke, Jr., Esq.
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S.C. Bar No. 69550
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Charleston County School District*

Other Counsel of Record:

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*Attorneys for Condemnor South Carolina Department of Commerce, Division of
Public Railways*

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NELSON MULLINS RILEY & SCARBOROUGH, LLP
151 Meeting Street, Suite 600
Charleston, South Carolina 29401-2239
Attorneys for Landowner Clemson University

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the City of Charleston, North Charleston Sewer District,
Bell South Telecommunications, Inc., Business Telecom,
Inc., South Carolina Electric & Gas Company, and
Charleston County School District Other Condemnees

Of whom Charleston County School District is Appellant

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the above-referenced Respondents and other parties, by depositing a copy of it in the United States Mail,

postage prepaid, on January 9th, 2017, addressed to their attorneys of record:

Keith M. Babcock, Esq.
Lewis & Babcock, L.L.P.
P.O. Box 11208
Columbia, South Carolina 29211
(803) 771-8000

***Attorneys for Condemnor South Carolina Department of Commerce, Division of
Public Railways***

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John W. Fletcher, Esquire
jfletcher@barnwell-whaley.com

January 9, 2017

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

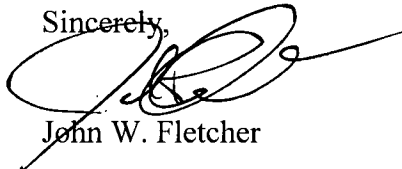
RE: Intermodal Container Transfer Facility Tract: 11
South Carolina Department of Commerce, Division of Public Railways, Condemnor,
vs. Clemson University, Landowner and Charleston Naval Complex Redevelopment
Authority, City of North Charleston, Commissioner of Public Works for the City of
Charleston, North Charleston Sewer District, Bell South Telecommunications, Inc.,
Business Telecom, Inc., South Carolina Electric & Gas Company, and Charleston
County School District, Appellant
C/A No.: 2010-CP-10-10495
BWPH File No.: 5236.001

Dear Ms. Kitchings,

Enclosed for filing is a Notice of Appeal on behalf of Charleston County School District in the above-reference matter. Also enclosed are the following:

- (1) Proof of Service of the Notice of Appeal on the Respondents;
- (2) Copy of the Order Transferring Case to the Non-Jury Docket;
- (3) Copy of the Order Denying Motion for Reconsideration; and
- (3) A filing fee of \$100.00.

Sincerely,



John W. Fletcher

JWF/jgc
Enclosures

cc: Keith M. Babcock, Esquire
Newman Jackson Smith, Esquire
Wendy W. Parker, Esquire
The Honorable Julie J. Armstrong

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JAN 11 2017

SC Court of Appeals

www.barnwell-whaley.com

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REPRESENTING CLIENTS IN ALL COURTS IN SOUTH CAROLINA AND NORTH CAROLINA AND IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



John W. Fletcher, Esquire
jfletcher@barnwell-whaley.com

January 9, 2017

The Honorable Julie J. Armstrong
Clerk of Court for Charleston County
100 Broad Street, Suite 106
Charleston, SC 29401

RE: Intermodal Container Transfer Facility Tract: 11
South Carolina Department of Commerce, Division of Public Railways, Condemnor,
vs. Clemson University, Landowner and Charleston Naval Complex Redevelopment
Authority, City of North Charleston, Commissioner of Public Works for the City of
Charleston, North Charleston Sewer District, Bell South Telecommunications, Inc.,
Business Telecom, Inc., South Carolina Electric & Gas Company, and Charleston
County School District, Appellant
C/A No.:2010-CP-10-10495
BWPH File No.: 5236.001

Dear Julie,

Enclosed for filing please find a Notice of Appeal in the above-referenced matter.

Sincerely,

A handwritten signature in black ink, appearing to be "JWF", is written over the word "Sincerely,".

John W. Fletcher

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SC Court of Appeals

JWF/jgc
Enclosure

cc: Keith M. Babcock, Esquire
Newman Jackson Smith, Esquire
Wendy W. Parker, Esquire
The Honorable Jenny Abbott Kitchings

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