

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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

FEB 23 2017

Markley R. Dennis, Jr., Circuit Court Judge

SC Court of Appeals

Appellate Case No. 2017-000060

Project: Intermodal Container Transfer Facility

Tract: 11

South Carolina Department of Commerce, Division of Public
Railways.....Respondent

v.

Clemson UniversityRespondent

And

Charleston County School DistrictAppellant

APPELLANT CHARLESTON COUNTY SCHOOL DISTRICT'S
DESIGNATION OF MATTER FOR INCLUSION IN THE RECORD ON APPEAL

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*Attorneys for Respondent Clemson
University*

Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Appellant Charleston County School District ("CCSD") hereby designates the following materials to be included in the Record on Appeal in this matter in connection with its Appellants' Brief. Unless otherwise expressly stated, each item designated is to include all attachments or exhibits to the original of the referenced item. CCSD expressly reserves the right to seek supplementation of the record pursuant to Rules 209 and 212, SCACR. CCSD designates the following matters for inclusion in the Record on Appeal:

1. December 23, 2010 Condemnation Notice and Tender of Payment
2. December 23, 2010 Affidavit of Keith M. Babcock, Esq.
3. May 23, 2011 Notice of Appearance (Jury Trial Demanded) on behalf of Other Condemnee, Charleston County School District
4. January 6, 2014 Condemnor's Memorandum in Opposition to Other Condemnee Charleston County School District's Motion for the Court to Order Condemnor to Deposit Funds Pursuant to S.C. Eminent Domain Act
5. April 25, 2014 Consent Order of Limited Reference and Scheduling Order
6. Oct. 27, 2015 Order of Special Referee
7. March 16, 2016 Order
8. June 2, 2016 Motion to Transfer Case to Non-Jury Docket
9. June 2, 2016 Order for Case Assignment to the Business Court Pilot Program
10. August 23, 2016 Hearing Transcript (title page and pages 3-4)
11. September 26, 2016 Consent Order Dismissing Other Condemnees
12. October 21, 2016 Order Transferring Case to Non-Jury Docket
13. November 3, 2016 Rule 59(e) Motion to Reconsider Grant of Motion to Transfer Case to the Non-Jury Docket
14. December 14, 2016 Memorandum in Resp. to Charleston County School District's Motion to Reconsider Order Transferring Case to Non-Jury Docket

15. January 9, 2017 Notice of Appeal
16. Settlement Agreement Between the South Carolina Department of Commerce, Division of Railways, and Clemson University (filed with the trial court on December 14, 2016)

CCSD certifies, pursuant to S.C.A.C.R., Rule 209(c), that the designations set forth above are relevant to the appeal in this matter, and that it has not designated any matter that is irrelevant to the issues before the Court.

February 20, 2017

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By: 

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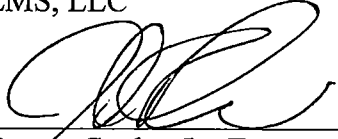
PROOF OF SERVICE

I certify that I have served the Respondent Charleston County School District's Designation of Matters for Inclusion in the Record on Appeal on the above-referenced Respondents by depositing a copy of it in the United States Mail, postage prepaid, on February 20, 2017, addressed to their attorneys of record:

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February 16, 2017

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FEB 23 2017

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29211

RE: South Carolina Department of Commerce, Division of Public Railways, Respondent
vs. Clemson University, Respondent, and Charleston County School District, Appellant
Appellate Case No. 2017-000060
BWPH File No.: 5236.001

Dear Ms. Kitchings,

Enclosed for filing please find the original and one (1) copy of each of the following:

- (1) Appellant Charleston County School District's Initial Appellant's Brief;
- (2) Appellant Charleston County School District's Designation of Matter for Inclusion in the Record on Appeal; and,
- (3) Proofs of Service.

We would appreciate if you would file the original documents and return the filed, stamped copies to us in the self-addressed, stamped envelope provided.

By copy of this letter, we are serving copies of the enclosures upon counsel of record.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Dawes Cooke, Jr.", is written over a horizontal line.

M. Dawes Cooke, Jr.
John W. Fletcher

MDCjr/JWF/jgc
Enclosures

cc: Keith M. Babcock, Esquire
Newman Jackson Smith, Esquire
Wendy W. Parker, Esquire
Abigail B. Walsh, Esquire
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REPRESENTING CLIENTS IN ALL COURTS IN SOUTH CAROLINA AND NORTH CAROLINA AND IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

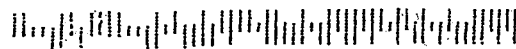
**BARNWELL
WHALEY**

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75
YEARS ■

1938-2013

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5236.001

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals

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