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STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC 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

Project: Intermodal Container Facility

Tract: 11

South Carolina Department of Commerce,
Division of Public Railways,

Respondent,

v.

Clemson University,

Respondent,

and

Charleston County School District,

Appellant.

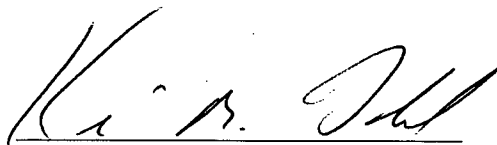
RESPONDENT SOUTH CAROLINA
DEPARTMENT OF COMMERCE, DIVISION OF PUBLIC RAILWAYS'
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Respondent South Carolina Department of Commerce, Division of Public Railways designates the following matter to be included in the record on appeal (in addition to all the material designated by Appellant):

1. Transcript of August 23, 2106;

2. Transcript of December 16, 2016;
3. Consent Order of Reference, April 15, 2014;
4. Order of the Honorable R. Markley Dennis, October 21, 2016;
5. Order of the Honorable R. Markley Dennis, December 16, 2016;
6. Orders of the Limited Special Referee (John A. Massalon), dated October 22, 2015 and February 23, 2016;
7. Settlement Agreement between South Carolina Department of Commerce, Division of Railways and Clemson University (filed December 14, 2016);
8. Condemnor's Motion to Transfer to the Non-Jury Docket, May 31, 2016;
9. Memorandum in Support of Motion to Transfer to Non-Jury Docket, August 23, 2016;
10. Memorandum in Reply to Charleston County School's District's Memorandum in Opposition to Transfer to the Non-jury Docket, September 19, 2016;
11. Lease from United States to Charleston Naval Complex Redevelopment Authority, September 10, 1996;
12. Sublease between the Charleston Naval Complex Redevelopment Authority and Charleston County School District, September 10, 1996;
13. Amendment to the Sublease between the Charleston Naval Complex Redevelopment Authority and Charleston County School District,

Respondent certifies that this designation contains no matter which is irrelevant to this appeal.



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Columbia, South Carolina
March 23, 2017

ATTORNEYS FOR RESPONDENT SOUTH
CAROLINA DEPARTMENT OF COMMERCE,
DIVISION OF PUBLIC RAILWAYS

THE STATE OF SOUTH CAROLINA
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Appellant.

PROOF OF SERVICE

I, Connie W. Grugan, legal assistant to the law firm of Lewis Babcock L.L.P., hereby certify that I have served Initial Brief of Respondent South Carolina Department of Commerce, Division of Public Railways and Designation of Matter to be Included in the Record on Appeal

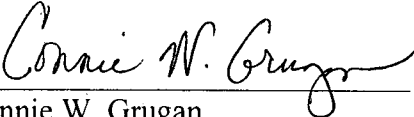
upon opposing counsel, by mailing a copy of same, postage prepaid and return address clearly indicated, to opposing counsel at the following addresses:

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Connie W. Grugan

This 22nd day of March, 2017



LAW OFFICES OF
**LEWIS
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March 22, 2017

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SC Court of Appeals

HAND DELIVERED

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: South Carolina Department of Commerce, Division of Public Railways v.
Clemson University and Charleston County School District,
Appellate Case No. 2017-000060, Our File No. 12-141

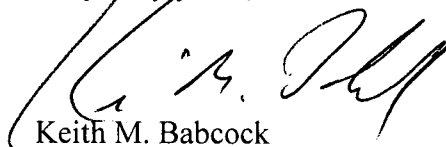
Dear Ms. Kitchings:

Enclosed please find the original and one copy of the Initial Brief and Designation of Matter to be Included in the Record on Appeal of Respondent South Carolina Department of Commerce, Division of Public Railways in regard to the above-referenced matter for filing with your office. Please return a clocked copy in the envelope provided.

By copy of this letter, we are hereby serving a copy of same upon opposing counsel.

With best regards, I am

Very truly yours,



Keith M. Babcock

KMB:cg
Enclosure

cc: M. Dawes Cooke, Jr., Esquire
John W. Fletcher, Esquire
Abigail B. Walsh, Esquire
Christopher L. Murphy, Esquire
Newman Jackson Smith, Esquire
Wendy W. Parker, Esquire