

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas for the Third Judicial Circuit
G. Thomas Cooper, Circuit Court judge

APR 10 2017

SC Court of Appeals

Appellate Case No. 2016-002446
Trial Court Docket No. 2011-CP-40-6705

Frank J. Cumberland, Jr.; Jennifer B. Gardner
and Michael R. Ugino Appellants

vs.

City of Columbia Respondent

**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

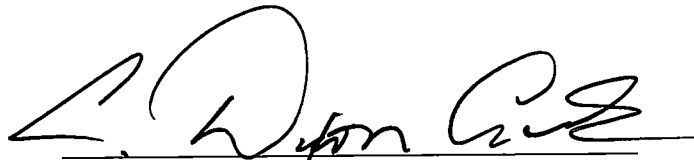
Appellant designates the following to be included in the Record on Appeal:

1. September 9, 2015 South Carolina Supreme Court Opinion No. 27573 in the case of Joseph Azar, Frank J. Cumberland, Jr. and Michael A. Letts, Appellants vs. City of Columbia, Respondent.
2. June 26, 2012 Order Denying Plaintiff's Motion for Class Certification issued by the Circuit Court Judge J. Earnest Kinard, Jr.
3. September 20, 2012 Order Denying Plaintiff's Motion for Reconsideration issued by Circuit Court Judge J. Earnest Kinard, Jr.
4. August 31, 2016 Order Denying Defendant's Motion to Strike issued by Circuit Court Judge G. Thomas Cooper, Jr.
5. October 17, 2016 Order Granting Defendant's Motion to Alter or Amend and Granting Defendant's Motion to Strike issued by Circuit Court Judge G. Thomas Cooper, Jr.
6. November 2, 2016 Order Denying Plaintiff's Motion to Reconsider issued by the Circuit Court Judge G. Thomas Cooper, Jr.



7. Transcript of Record August 4, 2016 hearing.
8. Appellant's Motion for Reconsideration October 27, 2016
9. Defendant's Motion to Alter/Amend September 12, 2016
10. Plaintiff's Response to Motion to Strike August 4, 2016
11. Defendant's Motion to Strike June 3, 2016
12. Plaintiff's Third Amended Complaint dated and filed May 6, 2016

I certify that this Designation of Matter contains no matter which is irrelevant to this appeal.



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Columbia, South Carolina

April 10, 2017

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APR 10 2017

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas for the Fifth Judicial Circuit
G. Thomas Cooper, Circuit Court Judge
J. Ernest Kinard, Jr., Circuit Court Judge

SC Court of Appeals

Trial Court Docket No. 2011-CP-40-6705
Appellate Case No. 2016-002446

**JOSEPH S. AZAR, FRANK J. CUMBERLAND, JR.,
AND MICHAEL A. LETTS, INDIVIDUALLY AND
AS CLASS REPRESENTATIVES,**

Appellants,

vs.

CITY OF COLUMBIA,

Respondent.

PROOF OF SERVICE

The undersigned hereby certifies that on the 10th day of April 2017 he/she did serve one (1) copy of the Initial Brief of Appellants' and one (1) copy of the Appellant's Designation of Matter in this appeal on opposing counsel by depositing the same in the United States Mail, with sufficient first class postage affixed thereto addressed as follows:

M. McMullen Taylor
Mullen Taylor LLC
PAGE 1 OF 2

1230 Richland Street
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Peter M. Balthazor
Riley Pope & Laney, LLC
PO Box 11412
Columbia, SC 29211

Dated this 10th day of April 2017 at Columbia, South Carolina.

A handwritten signature in black ink, appearing to read "Peter M. Balthazor", written over a horizontal line.