

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY  
Court of Common Pleas

Donald B. Hocker, Circuit Court Judge

Appellate Case No. 2016-001773

RECEIVED

APR 11 2017

SC Court of Appeals

West/Hobby, LLC, ..... Respondent,

v.

County of Newberry, .....Appellant.

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

The Appellant Newberry County proposes the following be included in the Record on Appeal:

1. Order Denying Rule 59(e) Motion (July 29, 2016);
2. Order (Findings of Fact and Conclusions of Law)(February 11, 2016);
3. Order (Form 4)(Denying Motions for Summary Judgment)(August 26, 2015);
4. Consent Order Restoring Case to Roster (SCRCP 40(j))(February 10, 2015);
5. Consent Order Striking Case from Roster (SCRCP 40(j))(April 29, 2016);
6. Complaint (January 26, 2012);
7. Answer (March 1, 2012);
8. Amended Complaint (February \_\_\_\_, 2014);
9. Answer to Amended Complaint (April 2, 2014);

*RH/CF2*  
*RR*

10. Trial Transcript Excerpts (December 14-15, 2015), pages 7, 8, 17, 37-46, 50-60, 65-67, 71, 75-78, 89, 94, 102-104, 113, 119, 141, 144, 147-157, 163-167, 178, 183-188, 197-198, 201, 202, 228, 230, 233, 237-240, 267-270, 272-273, 275, 280, 283-284, 313, 337-345, 348-349;
11. Trial Exhibits: Plaintiff's Exhibits 2, 3, 4, 5, 6, 7, 8, 12, 13, 14, 15, 16E, 16F, 16G, 16H, 16N, and 16V; Defendant's Exhibits 1 and 4;
12. Rule 59(e) Motion Hearing Transcript (May 5, 2016);
13. Newberry County's Notice of Motion and Motion to Alter or Amend Pursuant to SCRCP 59(e) (March 7, 2016);
14. Frawley Letter to Judge with copy Rule 59(e) Motion (March 8, 2016);
15. Newberry County Motion for Summary Judgment (January 28, 2014);
16. Newberry County Re-Filing Motion for Summary Judgment (August 13, 2015);
17. West/Hobby Motion for Summary Judgment.

I certify that this Designation of Matter to be Included in the Record on Appeal contains no matter which is irrelevant to this appeal.

DAVIS FRAWLEY, LLC

By: 

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ATTORNEYS FOR APPELLANT  
NEWBERRY COUNTY

Lexington, South Carolina  
April 7, 2017

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**PROOF OF SERVICE**

I certify that I have served the Appellant County of Newberry's Initial Brief and Designation of Matter to be Included in the Record on Appeal on Respondent West/Hobby, LLC by depositing a copy of it in the United States Mail, postage prepaid on April 7, 2017, addressed to their attorney of record, Benjamin C. Bruner, Esquire, Bruner, Powell, Wall & Mullins, LLC, P.O. Box 61110, Columbia SC 29260-1110.

DAVIS FRAWLEY, LLC

BY: 

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April 7, 2017

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(1919 - 1968)  
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(1921 - 2000)

Since 1961

◊ American Board of Trial Advocates  
Δ Certified Circuit Court Mediator

April 7, 2017

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

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SC Court of Appeals

RE: *West/Hobby, LLC vs. County of Newberry*;  
Appellate Case No. 2016-001773;  
Civil Action No. 2012-CP-36-0046; Our File No. 25712.16.

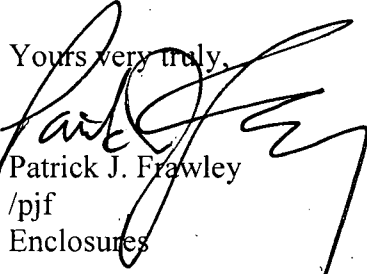
Dear Ms. Kitchings:

Enclosed, please find the original and one copy each of the Initial Brief of Appellant County of Newberry, Appellant's Designation of Matter to be Included in the Record on Appeal, and Proof of Service for the referenced appeal. Please file the originals, and return the copies to me, clocked in, in the enclosed self-addressed, stamped envelope.

By copy of this letter to the attorneys for the Respondent West/Hobby, LLC, I am serving them with copies of the enclosed documents as well.

Thank you in advance for your help.

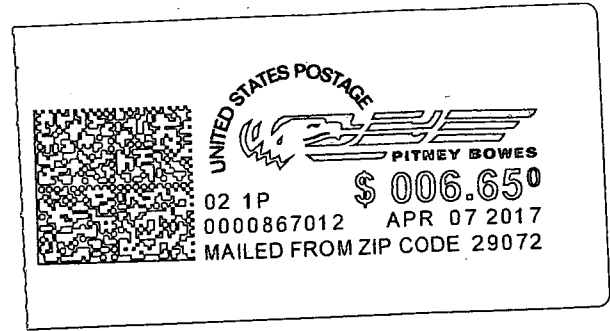
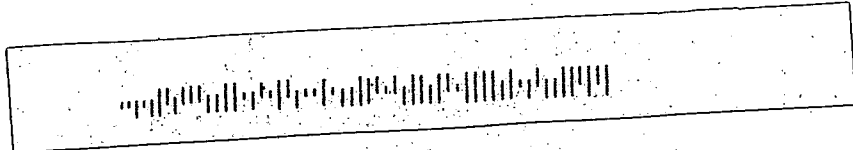
Yours very truly,

  
Patrick J. Frawley

/pjf

Enclosures

cc: Benjamin C. Bruner, Esquire  
Bruner, Powell, Wall & Mullins, LLC  
PO Box 61110  
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P/z. ~~XXXXXXXXXX~~

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
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