

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Thomas L. Hughston, Jr., Circuit Court Judge

Case No. 2009-CP-10-6185

Henry W. Frampton, IIIRespondent,

v.

South Carolina Department of Transportation.....Appellant.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

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SC Court of Appeals

Appellant proposes the following matter to be included in the record on appeal:

Orders:

ORDER REGARDING DEFENDANT’S RULE 59 (a) AND (e) MOTION AND PLAINTIFF’S MOTION FOR LITIGATION EXPENSES, April 18, 3012

Motions and memoranda:

Defendant’s Rule 59 Motion, February 15, 2012.

Plaintiff/Landowner’s Memorandum in Response to SCDOT’s Rule 59 Motion, March 1, 2012.

Pleadings

Amended Complaint, December 14, 2011.

Transcript of Trial:

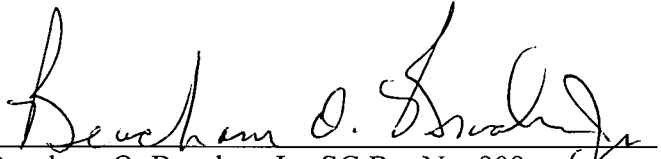
Pages: 5-27, 65, 74, 75, 101, 104, 105, 112-114, 124-126, 128, 134-136, 139, 140, 160, 161, 171, 175-177, 180, 182, 184, 189-192, 194, 196-198, 200, 201, 218, 219, 229, 230, 237, 239-241, 244-246, 250, 251, 258, 261, 263, 264, 270, 273, 291-293, 295, 299-301, 303-305, 308-310,

332-336, 339-341, 345, 348, 350, 383, 388, 393, 449-451, 460, 461, 469, 471, 473, 475, 509, 532.

Trial Exhibits:

Plaintiff's Exhibits: 9, 18, 19, 23, 24, 25.

Defendants Exhibits: 3, 4, 5.



Beacham O. Brooker, Jr., SC Bar No. 909

SCDOT

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Columbia, South Carolina 29201-0191

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THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Thomas L. Hughston, Circuit Court Judge

Case No. 2009-CP-10-6185

Henry W. Frampton, III..... Respondent,

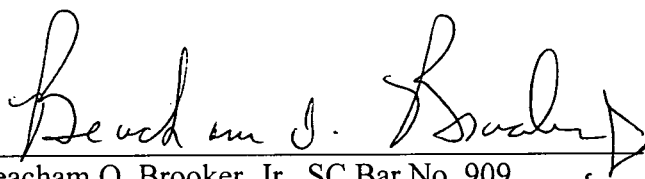
v.

South Carolina Department of Transportation Appellant.

PROOF OF SERVICE

I certify that I have served the INITIAL BRIEF OF APPELLANT and DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL on Henry W. Frampton, III, by depositing a copy of each document in the United States Mail, postage prepaid on November 15, 2012, addressed to his attorney of record, Richard D. Bybee, as follows:

Richard D. Bybee, Esquire
Smith Bundy Bybee & Barnett
Post Office Box 1542
Mount Pleasant, SC 29456



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Columbia, S.C.
November 15, 2012

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South Carolina
Department of Transportation
Office of Chief Counsel

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Natalie J. Moore
Barbara M. Wessinger
Beacham O. Brooker, Jr.
Amanda T. Taylor, Claims
Glennith C. Johnson

Claims Office
737-1260

November 15, 2012

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

RE: Henry W. Frampton III and Dale Frampton vs.
South Carolina Department of Transportation
C/A No. 09-CP-10-6185

Dear Ms. Kitchings:

Enclosed for filing in the above captioned matter, please find the INITIAL BRIEF OF APPELLANT and the DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL, together with a PROOF OF SERVICE of a copy of the pleadings on the Respondent's attorney of record, Richard D. Bybee.

Please return a filed copy of the INITIAL BRIEF OF APPELLANT, DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL and the PROOF OF SERVICE in the envelope provided.

Sincerely,

Beacham O. Brooker, Jr.
Assistant Chief Counsel

BOB:jmt
Enclosures

cc: Richard D. Bybee, Esquire

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