

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

MAY 02 2017

SC Court of Appeals

West/Hobby, LLC,

v.

Respondent,

County of Newberry

Appellant.

CERTIFICATE OF COUNSEL

I hereby 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

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May 1, 2017.

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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);

Handwritten signature/initials

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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Since 1961

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Δ Certified Circuit Court Mediator

May 1, 2017

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SC Court of Appeals

The Honorable V. Claire Allen
Deputy Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia SC 29201

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.

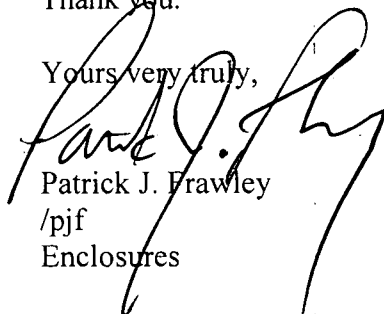
Dear Ms. Allen:

Responding to your letter of April 28, 2017, advising that my Designation of Matter to be Included on the Record did not have the certificate of counsel required by SCACR 209(c), I have enclosed the original and two copies of an appropriate certificate for filing to correct the deficiency. I would appreciate you filing the original and returning the copies to me, clocked in, so that my records will reflect the correct filing.

I had included the language of the certification as the last line on page two of the Designation I served April 7, just above my signature; but it was not a separate Certificate of Counsel. Hopefully the enclosed will correct that deficiency.

Thank you.

Yours very truly,



Patrick J. Frawley
/pjf
Enclosures

cc: Benjamin C. Bruner, Esquire
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