

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

SC Court of Appeals

Larry B. Hyman, Jr., Circuit Court Judge

Court of Appeals Case No.: 2017-000234

Georgetown County,Petitioner,

v.

Davis & Floyd, Inc., Republic Contracting Corporation,
S&ME, Inc., The South Carolina Department of Transportation
and The City of Georgetown,Defendants,

Of Whom

The South Carolina Department of Transportation and
The City of Georgetown, Respondents.

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

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The South Carolina Department of
Transportation

Respondents propose the following be included in the Record on Appeal:

1. The Honorable Larry B. Hyman, Jr.'s Order dated November 4, 2015;
2. The Honorable Larry B. Hyman, Jr.'s Order Denying Georgetown County's SCRCP 59(e) Motion to Reconsider;
3. Transcript of August 7, 2014 hearing, pages 1-27;
4. Transcript of April 30, 2015 hearing, pages 1-37, 60 and 70;
5. Transcript of August 5, 2016 hearing, pages 1-3, 6-13 and 37;
6. Georgetown County's Amended Complaint;
7. South Carolina Department of Transportation's Answer;
8. City of Georgetown's Answer;
9. Georgetown County's Motion for Summary Judgment (without attachments) dated April 25, 2014;
10. Georgetown County's Memorandum in Support of its Motion for Summary Judgment (without attachments), dated August 5, 2014;
11. South Carolina Department of Transportation's Affidavit and Designations in Opposition to Plaintiff's Motion for Summary Judgment dated August 5, 2013;
12. South Carolina Department of Transportation's Memorandum in Opposition to Georgetown County's Motion for Summary Judgment, dated August 6, 2014;
13. Georgetown County's Brief in Support of its Motion for Summary Judgment, dated September 5, 2014;
14. South Carolina Department of Transportation's Supplemental Memorandum in Opposition to Georgetown County's Motion for Summary Judgment dated September 5, 2014;
15. Brief of the City of Georgetown on Legal Issue of Whether Georgetown County Can Assert an Inverse Condemnation Claim Under the Law date September 5, 2014;
16. Georgetown County's Reply Brief dated December 17, 2014;
17. South Carolina Department of Transportation's Response Brief dated February 13, 2015;

18. City of Georgetown's Brief in Opposition to Summary Judgment (without attachments) dated April 28, 2015;
19. Georgetown County's Motion to Reconsider, Alter or Amend, Pursuant to Rule 59(e), dated November 10, 2015;
20. Amended Complaint of Georgetown County v. George Sembos, et al., Case Number: 16-CP-22-0123 with attachments filed February 12, 2016; in which Appellant sues their expert Sembos and accuses him of providing false testimony* and
21. Correspondence from Louis H. Lang, Esquire, counsel for Appellant Georgetown County, to J. Patrick Norris, Esquire; Jonathan J. Anderson, Esquire; Lisa A. Reynolds, Esquire; Brent M. Boyd, Esquire; R. Davis Howser, Esquire; David Morrison, Esquire; Kassi B. Sandifer, Esquire and Andrew F. Lindemann, Esquire dated May 18, 2016. This correspondence withdraws George Sembos as an expert for the Appellant. Sembos' affidavits are included in the Record on Appeal by Appellant.*

* Items 20 and 21 above were not before the trial court, however, Appellant has included matters in their Designation of Matters to be Included in the Record on Appeal that are not relevant to the issue on appeal and that are misleading without the inclusion of items 20 and 21. A Motion to Strike Items Included in Appellant's Designation of Matters to be Included on the Record on Appeal or in the Alternative to Supplement the Record on Appeal is forthcoming.

I certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted:

By: 

David L. Morrison, Esquire

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Columbia, South Carolina

August 11, 2017

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IN THE SUPREME COURT

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SC Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Larry B. Hyman, Jr., Circuit Court Judge
C/A #: 13-CP-22-01062

Court of Appeals Case No.: 2017-000234

Georgetown County,

Appellant,

v.

Davis & Floyd, Inc., Republic
Contracting Corporation, S&ME, Inc.,
The South Carolina Department of
Transportation and The City of
Georgetown,

Defendants,

Of Whom

The South Carolina Department
of Transportation and The City
of Georgetown,

Respondents.

CERTIFICATE OF SERVICE

The undersigned employee of Morrison Law Firm, LLC, attorney for the Defendant, City of Georgetown, does hereby certify that service of the **Joint Initial Brief of Respondents, S.C. Department of Transportation and City of Georgetown, and Respondents Designation of Matter to be Included in the Record on Appeal** in the above-captioned action was made upon

all counsel of record by placing same in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 11th day of August, 2017, addressed as follows:

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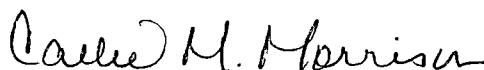
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