

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2011-CP-10-2444
Appellate Case No. 2017-001221

Stow Away Storage, LLC and
MSC MTP, LLC,

Appellants,

v.

George W. Sisson, 4.0, LLC,
The Sisson Foundation Limited
Partnership, Sweetgrass Hardware,
Inc., and Timarand, Inc.,

Respondents.

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

Ainsley F. Tillman
29 Brisbane Dr.
Charleston, SC 29407
(843) 277-4497

and

G. Dana Sinkler
2180 Rosebank Plantation Rd.
Wadmalaw Island, SC 29487
(843) 224-1758

Attorneys for Appellants

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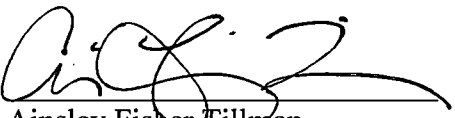
The Appellants propose that the following items be included in the Record on Appeal:

1. Order of South Carolina Court of Appeals, dated March 28, 2014;
2. Order of the South Carolina Court of Appeals, dated September 24, 2014;
3. Order of the South Carolina Court of Appeals, Unpublished Opinion filed January 13, 2016;
4. Remittitur, dated February 2, 2016;
5. Order of the Honorable Kristi Harrington, dated August 16, 2011;
6. Order of the Honorable Kristi Harrington, dated November 27, 2012;
7. Order of the Honorable Kristi Harrington, dated January 22, 2013;
8. Order of the Honorable R. Markley Dennis, dated February 21, 2013;
9. Order of the Honorable J.C. Nicholson, Jr., dated November 22, 2013;
10. Order of the Honorable J.C. Nicholson, Jr., dated December 10, 2013;
11. Order of the Honorable J. C. Nicholson, Jr., filed June 21, 2016;
12. Order of the Honorable J. C. Nicholson, Jr., filed June 21, 2016;
13. Order of the Honorable J. C. Nicholson, Jr., dated November 10, 2016;
14. Order on Damages of the Honorable J.C. Nicholson, Jr., with exhibits, dated April 14, 2017, filed April 22, 2017;
15. Order of the Honorable J.C. Nicholson, Jr., dated May 5, 2017;
16. Summons and Complaint, with exhibits, dated April 4, 2011;
17. Answer and Counterclaim of the Defendants George W. Sisson, 4.0, LLC, The Sisson Foundation Limited Partnership, and Sweetgrass Hardware, Inc., dated April 29, 2011;
18. Plaintiff's Reply to Counterclaim, dated May 27, 2011;
19. Affidavit of Default and Motion for Judgment as to Defendant Timarand, Inc., dated August 9, 2011;
20. Answer and Counterclaim of the Defendant Timarand, Inc., dated August 16, 2011;
21. Motion to Reconsider and Motion to Lift Default Judgment as to Timarand, Inc., dated August 31, 2011;
22. Plaintiff's Motion for Temporary Injunction and for Partial Summary Judgment and Permanent Injunction, dated October 25, 2012;
23. Memorandum in Opposition to Motion to Reconsider and Motion to Lift Default Judgment as to the Defendant Timarand, dated January 8, 2013;
24. Affidavit of George W. Sisson, dated February 6, 2013;
25. Affidavit of Frank R. Fletcher, dated February 6, 2013;
26. Memorandum in Support of Plaintiff's Motion for Temporary Injunction and Motion for Partial Summary Judgment and Permanent Injunction, dated February 7, 2013;
27. Defendants' Motion for Summary Judgment, dated August 1, 2013;
28. Defendants' Motion to Reconsider Pursuant to Rule 59(e) SCRPC, dated December 4, 2013;
29. Plaintiff's Motion for Stay of Defendants' Rule 59(e) Motion Until the Court Has Ruled on the Issue of Damages, dated December 6, 2013;
30. Notice of Appeal, dated January 14, 2014;
31. Motion to Remand, dated January 21, 2014;
32. Return to Respondent's Motion to Remand, dated January 31, 2014;
33. Reply to Appellant's Return, dated February 4, 2014;
34. Defendants' Motion to Quash Depositions, dated April 5, 2016;

35. Defendants' Reply to the Order of June 21, 2016;
36. Defendants' Motion to Quash Amended Notice of Depositions, dated August 1, 2016;
37. Plaintiff's Brief on Damages and Response to Defendants' Motion to Quash Depositions, dated November 4, 2016;
38. Plaintiff's Itemized List of Damages, dated November 4, 2016;
39. Affidavit of Frank Fletcher, dated November 14, 2016;
40. Affidavit of George Sissons, dated November 14, 2016;
41. Plaintiffs' Motion to Reconsider Pursuant to Rule 59 SCRPC, dated April 21, 2017;
42. Notice of Appeal, dated May 19, 2017;
43. Plaintiff's Responses to the Defendants' Requests for Admission, dated June 7, 2011;
44. Plaintiff's Answers to the Defendants' First Interrogatories and Responses to the Defendants' First Requests for Production, dated July 13, 2012;
45. Document Production from the Charleston County Sheriff's Office Pursuant to the Freedom of Information Act Request, dated May 11, 2011;
46. Document Production from the South Carolina Department of Transportation Pursuant to the Freedom of Information Act Request, dated May 11, 2011;
47. Correspondence from the South Carolina Department of Transportation, dated August 5, 1999;
48. Permit Approval from the South Carolina Department of Transportation, dated March 29, 2000;
49. Correspondence from Richard L. Turner, SCDOT, to E.L. Pooser, Jr., dated June 20, 2008;
50. Correspondence from the South Carolina Department of Transportation, dated March 10, 2009;
51. Correspondence from the South Carolina Department of Transportation to Pooser and Sisson, dated June 19, 2009;
52. Aerial Photos of Intersection from August 14, 2014 trial proceedings;
53. Plat recorded in Plat Book EA at Page 742 in the RMC Office from Charleston County;
54. Plat recorded in Plat Book CD at Page 139 in the RMC Office from Charleston County;
55. Video Surveillance Report from Allison Walshe dated April 20, 2013 and July 13, 2013;
56. Transcript of the August 14, 2013 trial proceedings;
57. Transcript of the November 9, 2016 damages hearing.

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

Respectfully submitted,



Ainsley Fisher Tillman
Attorney for Appellants

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Case No. 2011-CP-10-2444
Appellate Case No. 2017-001221

Stow Away Storage, LLC and
MSC MTP, LLC,

Appellants,

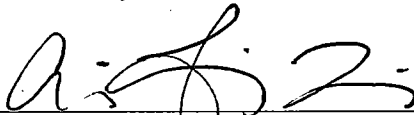
v.

George W. Sisson, 4.0, LLC,
The Sisson Foundation Limited
Partnership, Sweetgrass Hardware, Inc.,
and Timarand, Inc.,

Respondents.

PROOF OF SERVICE

I hereby certify that on this 28th day of September, 2017, I served the Initial Brief of Appellants and Designation of Matter to Be Included in the Record on Appeal on the Respondents by depositing a copy of the same in the United States Mail, postage prepaid, addressed to their attorney of record, G. Hamlin O'Kelley, III, Esquire, Buist, Byars, & Taylor, LLC, 652 Coleman Boulevard, Suite 200, Mt. Pleasant, SC 29464.



Ainsley F. Tillman
29 Brisbane Dr.
Charleston, SC 29407
(843) 277-4497
Attorney for Appellants

Ainsley Fisher Tillman
29 Brisbane Drive
Charleston, SC 29407
(843) 277-4497
ainsley@tillmanlawgroupllc.com

September 28, 2017

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: *Stow Away Storage, et al. v. George W. Sisson, et. al.*
Appellate Case No. 2017-001221

Dear Ms. Kitchings,

Enclosed, please find the original and one copy of the Initial Brief of Appellant and Appellants' Designation of Matter to Be Included in the Record on Appeal, along with proof of service thereof, in the above-referenced matter.

I would appreciate your filing the originals and returning the copies to me in the enclosed envelope. Thank you for your assistance in this matter, and please do not hesitate to contact me if you should have any questions.

Yours very truly,



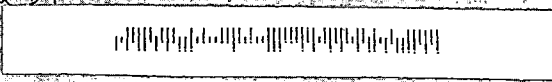
Ainsley F. Tillman
Attorney for Appellants

Enclosures

cc: G. Hamlin O'Kelley, III, Esquire
Attorney for Respondents

29 Bristol Dr

Charleston SC



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THE Hon. JENNY A. KITCHINGS
CLERK, SC Ct. of APPEALS
P.O. BOX 11629
COLUMBIA, SC

29211