

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
Robert E. Hood, Circuit Court Judge

---

Civil Action No. 2016-CP-40-03478  
Appellate Case No. 2017-000561

---

**RECEIVED**  
OCT 19 2017  
SC Court of Appeals

Cricket Store 17, LLC d/b/a Taboo,.....Appellant,

v.

City of Columbia Board of Zoning Appeals,.....Respondent.

And

City of Columbia Zoning Administrator,.....Counterclaimant,

v.

Cricket Store 17, LLC d/b/a Taboo,.....Counterdefendant.

---

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

---

Peter M. Balthazor, #68244  
RILEY, POPE & LANÉY, LLC  
Post Office Box 11412  
Columbia, South Carolina 29211-1412  
(803) 799-9993 – Office  
[peteb@rplfirm.com](mailto:peteb@rplfirm.com)

Scott D. Bergthold, admitted *pro hac vice*  
LAW OFFICE OF SCOTT D. BERGTHOLD, PLLC  
2290 Ogletree Avenue, Suite 106  
Chattanooga, Tennessee 37421-8828  
(423) 899-3025 – Office  
[sbergthold@sdblfirm.com](mailto:sbergthold@sdblfirm.com)

In addition to content included in the Appellant's Designation of Matter, the Respondent designates the following materials to be included in the Record on Appeal:

1. Taboo's Summons & Amended Complaint, filed June 15, 2016.
2. City's Answer and Counterclaim for Injunctive Relief, filed July 8, 2016.
3. Exhibit A to City's Answer and Counterclaim, BZA Order and Record for case 16-010-AA, filed July 8, 2016.
4. Exhibit B to City's Answer and Counterclaim BZA Order and Record for case 16-011-AA, filed July 8, 2016.
5. Taboo's Reply to Counterclaim, filed August 9, 2016.
6. Letter confirming Scott D. Bergthold's application for admission *Pro Hac Vice*, filed August 24, 2017.
7. City's Motion in Support of *Pro Hac Vice* Application, filed September 1, 2016.
8. Verified Application for admission *Pro Hac Vice*, filed September 1, 2016.
9. Order Granting Attorney Scott D. Bergthold's Admission *Pro Hac Vice*, filed September 1, 2016.
10. Taboo's Demand for Pre-Hearing Mediation, filed September 12, 2016.
11. Order Granting Attorney Scott D. Bergthold Admission *Pro Hac Vice*, filed January 26, 2017.
12. Order Affirming Zoning Board Decisions, filed February 6, 2017.

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



---

Peter M. Balthazor, #68244  
RILEY, POPE & LANEY, LLC  
Post Office Box 11412  
Columbia, South Carolina 29211-1412  
(803) 799-9993 – Office  
[peteb@rplfirm.com](mailto:peteb@rplfirm.com)

Scott D. Bergthold, admitted *pro hac vice*  
LAW OFFICE OF SCOTT D. BERGTHOLD, PLLC  
2290 Ogletree Avenue, Suite 106  
Chattanooga, Tennessee 37421-8828  
(423) 899-3025 – Office  
[sbergthold@sdblawnfirm.com](mailto:sbergthold@sdblawnfirm.com)

Attorneys for City of Columbia  
Board of Zoning Appeals and City of  
Columbia Zoning Administrator

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED  
OCT 19 2017  
SC Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
Robert E. Hood, Circuit Court Judge

Civil Action No. 2017-CP-23-03372  
Appellate Case No. 2017-000561

Cricket Store 17, LLC d/b/a Taboo,.....Appellant,

v.

City of Columbia Board of Zoning Appeals,.....Respondent.

And

City of Columbia Zoning Administrator,.....Counterclaimant,

v.

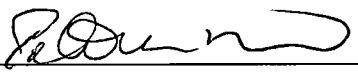
Cricket Store 17, LLC d/b/a Taboo,.....Counterdefendant.

**PROOF OF SERVICE OF RESPONDENT'S DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL**

I certify that on October 19, 2017, I have served all counsel in this action with a copy of Respondent's Designation of Matter to be Included in the Record on Appeal by mailing a copy of the same by United States Mail, postage prepaid, to the following address:

Thomas R. Goldstein, Esquire  
Belk, Cobb, Infinger & Goldstein, P.A.  
Post Office Box 711121  
North Charleston, South Carolina 29415-1121  
Attorneys for Cricket Store 17, LLC d/b/a Taboo

Dated: October 19, 2017

  
Peter M. Balthazor  
Counsel for Respondent

**RILEY POPE & LANEY, LLC**  
ATTORNEYS AND COUNSELORS AT LAW

2838 DEVINE STREET  
POST OFFICE BOX 11412 (29211)  
COLUMBIA, SOUTH CAROLINA 29205

TELEPHONE  
(803) 799-9993

FACSIMILE  
(803) 239-1414

October 19, 2017

**VIA HAND-DELIVERY**

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

**RECEIVED**  
OCT 19 2017  
SC Court of Appeals

Re: Cricket Store 17, LLC d/b/a Taboo v. City of Columbia Board of Zoning Appeals AND  
City of Columbia Zoning Administrator v. Cricket Store 17, LLC d/b/a Taboo  
Civil Action No.: 2016-CP-40-03478  
Appellate Case No.: 2017-000561  
Our File No.: 5253.00114

Dear Ms. Kitchings:

Respondent City of Columbia Board of Zoning Appeals filed and served its Initial Brief and Designation of Matter on October 5, 2017. I was notified that the brief needed to be corrected by including Scott D. Bergthold as counsel for Respondent.

Therefore, please find enclosed the original and one copy of the Respondent's Initial Brief and Designation of Matter, which are being resubmitted to correct the deficiency.

Please file the original and return a filed copy with our courier. Please contact me if you have any questions or comments concerning this correspondence or any other matter.

Sincerely,



Peter M. Balthazor

PMB/krb

Enclosures

Cc: Thomas R. Goldstein, Esquire