

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

John D. McLeod, Administrative Law Judge

Case No. 09-ALJ-07-0069-CC

**RECEIVED**  
NOV 30 2017  
SC Court of Appeals

Town of Arcadia Lakes, Robert L. Jackson, Linda Z. Jackson, Robert E. Williams, Barbara S. Williams, Elizabeth M. Walker, Louis E. Spradlin, Mary Helen Spradlin, Thomas Hutto Utsey, Tony Sinclair, Aaron Small, Bette Small, Gene F. Starr, M.D., Elaine J. Starr, Sanford T. Marcus, Ruth L. Marcus, and Steven Brown. . . . . Petitioners,

Of Which Town of Arcadia Lakes is . . . . . Appellant/Respondent,

v.

South Carolina Department of Health and Environmental Control . . . . . Respondents,

and

Roper Pond, LLC . . . . . Respondent/Appellant.

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

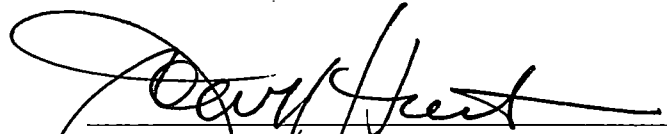
Respondent/Appellant Roper Pond, LLC proposes the following to be included in the Record on Appeal for matters related to its cross-appeal:

1. Request for Contested Case Hearing dated February 16, 2009;
2. Final Order and Decision dated January 21, 2010;
3. Affidavit of Charles C. Mickel dated March 23, 2010;
4. Respondent Roper Pond, LLC's Petition for Attorneys' Fees and Costs and for Sanctions Pursuant to Rule 72, SCR PALC, dated April 19, 2010, with supporting Memorandum of Law and affidavits;

5. Order dated May 11, 2010;
6. Respondent Roper Pond, LLC's Amended Petition for Attorneys' Fees and Costs and for Sanctions Pursuant to Rule 72, SCRPAALC, dated July 12, 2014;
7. Order dated April 9, 2015;
8. Remittitur dated April 28, 2015;
9. Respondent Roper Pond, LLC's Second Amended Petition for Attorneys' Fees and Costs and for Sanctions Pursuant to Rule 72, SCRPAALC, dated May 25, 2015 (incorrectly dated May 28, 2013), with supporting memorandum of law and affidavits;
10. Petitioners' Motion to Strike or, Alternatively, to Allow Discovery dated June 24, 2015
11. Respondent Roper Pond, LLC's Response in Opposition to Petitioners' Motion to Strike or, Alternatively, to Allow Discovery dated July 16, 2015;
12. July 17, 2015 Letter from Joan Hartley to The Honorable John D. McLeod filing Amended Affidavit of Charles C. Mickel dated July 17, 2015;
13. Order dated August 3, 2015;
14. Respondent Roper Pond, LLC's Third Amended Petition for Attorneys' Fees and Costs and for Sanctions Pursuant to Rule 72, SCRPAALC dated November 30, 2015;
15. Notice of Hearing (Motion) dated March 20, 2016;
16. Roper Pond Proposed Order filed on June 20, 2016;
17. Town of Arcadia Lakes Proposed Order filed on June 20, 2016;
18. Order on Respondents' Petition for Attorneys' Fees and Costs and for Sanctions issued September 1, 2016;
19. Town of Arcadia Lakes' Amended Motion to Strike or, Alternatively, to Allow Discovery to Amended Motion to Strike dated February 21, 2017;
20. Respondent Roper Pond, LLC's Response to Town of Arcadia Lakes' Amended Motion to Strike or, Alternatively, to Allow Discovery to Amended Motion to Strike dated March 3, 2107;
21. Notice of Motion Hearing (by Telephone Conference) dated March 1, 2017;
22. Email from Joan Hartley to Anthony Goldman dated March 15, 2017;
23. Email from Anthony Goldman to parties dated March 15, 2017;
24. Amended Order Vacating Order on Respondents' Petition for Attorneys' Fees and Costs and for Sanctions dated September 1, 2016, issued March 15, 2017;
25. Order dated March 24, 2017; and
26. Order for Attorneys' Fees and Costs and for Sanctions Pursuant to SCALC Rule 72, issued June 14, 2017.

I certify that this designation contains no matter which is irrelevant to this cross-appeal. Respondent/Appellant Roper Pond, LLC reserves the right to make further designations of matter to be included in the Record on Appeal upon the filing of Respondent's Initial Brief of Respondent/Appellant Roper Pond, LLC.

November 28, 2016



W. Thomas Lavender, Jr.  
Joan W. Hartley  
NEXSEN PRUET, LLC  
1230 Main Street, Suite 700 (29201)  
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Columbia, SC 29202  
803.771.8900

Attorneys for Appellant  
A. O. Smith Corporation

THE STATE OF SOUTH CAROLINA  
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Of Which Town of Arcadia Lakes is . . . . . Appellant/Respondent,

v.

South Carolina Department of Health and Environmental Control and  
Roper Pond, LLC . . . . . Respondents,

and

Roper Pond, LLC is . . . . . Respondent/Appellant.

**PROOF OF SERVICE**

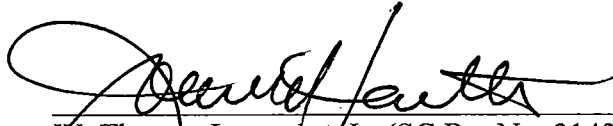
I certify that I have served the **Appellant's Initial Brief of Respondent/Appellant Roper Pond, LLC and Respondent/Appellant's Designation of Matter to be Included in the Record on Appeal** on counsel of record for South Carolina Environmental Law Project and South Carolina Department of Health and Environmental Control by depositing a copy of it in the United States Mail, postage prepaid, on November 28, 2017, addressed to:

Stephen P. Hightower, Esquire  
Office of General Counsel  
South Carolina Department of Health  
and Environmental Control  
2600 Bull Street  
Columbia, SC 29201

Amy E. Armstrong, Esquire  
South Carolina Environmental Law  
Post Office Box 1380  
Pawleys Island, SC 29585  
430 Highmarket Street  
Georgetown, SC 29440

Terry E. Richardson, Jr., Esquire  
Richardson Patrick Westbrook & Brickman, LLC  
Post Office Box 1368  
Barnwell, SC 29812

November 28, 2017



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Attorneys for Respondent-Appellant Roper Pond, LLC

Joan W. Hartley  
Special Counsel  
Admitted in SC, NC

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The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

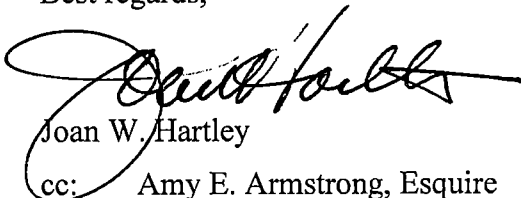
Re: *Town of Arcadia Lakes, et al. v. South Carolina Department of Health and Environmental Control and Roper Pond, LLC*  
Docket No. 09-ALC-07-0069-CC  
Appellate Case No. 2017-001554

Dear Ms. Kitchings:

Enclosed for filing is an original and one copy each of Appellant's Initial Brief of Respondent/Appellant Roper Pond, LLC, Respondent/Appellant's Designation of Matter to be Included in the Record on Appeal, and Proof of Service in the above-referenced matter. Please return a clocked copy of each to us via the enclosed envelope.

By copy of this letter, we are serving same on counsel of record. Thank you for your assistance in this matter.

Best regards,



Joan W. Hartley

cc: Amy E. Armstrong, Esquire  
Stephen P. Hightower, Esquire  
Terry E. Richardson, Jr., Esquire

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**NEXSEN | PRUET**

P. O. Drawer 2426  
Columbia SC 29202

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

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