

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

RECEIVED

DEC 01 2017

SC Court of Appeals

Stow Away Storage, LLC,.....Appellant,

v.

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

RESPONDENTS' DESIGNATION OF
MATTERS TO BE INCLUDED IN THE RECORD ON APPEAL

G. Hamlin O'Kelley, III
Buist, Byars & Taylor, LLC
652 Coleman Boulevard, Suite 200
Mt. Pleasant, SC 29464
(843) 856-4488
Hamlin.okelley@buistbyars.com

Attorneys for the Respondents

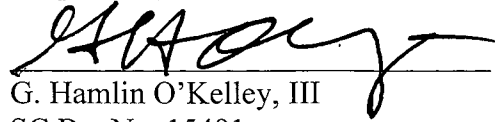
The Respondents propose the following items to be included in the Record on Appeal:

1. Unpublished Opinion No. 2016-UP-014 South Carolina Court of Appeals, dated March 28, 2014;
2. Order of the Honorable Kristi Harrington, dated August 16, 2011;
3. Order of the Honorable Kristi Harrington, dated November 27, 2012;
4. Order of the Honorable Kristi Harrington, dated January 22, 2013;
5. Order of the Honorable R. Markley Dennis, dated February 21, 2013;
6. Order of the Honorable J.C. Nicholson, Jr., dated November 22, 2013;
7. Order of the Honorable J.C. Nicholson, Jr., dated December 10, 2013;
8. Order of the Honorable J.C. Nicholson, Jr., dated June 21, 2016;
9. Order of the Honorable J.C. Nicholson, Jr., dated April 14, 2017;
10. Order of the Honorable J.C. Nicholson, Jr., dated May 5, 2017;
11. Summons and Complaint dated April 4, 2011;
12. 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;
13. Plaintiff's Reply to Counterclaim dated May 27, 2011;
14. Answer and Counterclaim of the Defendant Timarand, Inc., dated August 16, 2011;
15. Motion to Reconsider and Motion to Lift Default Judgment as to Timarand, Inc., dated August 31, 2011;
16. Plaintiff's Motion for Temporary Injunction and for Partial Summary Judgment and Permanent Injunction, dated October 25, 2012;
17. Affidavit of George W. Sisson, dated February 6, 2013;
18. Affidavit of Frank R. Fletcher, dated February 6, 2013;
19. Memorandum in Support of Plaintiff's Motion for Temporary Injunction and Motion for Partial Summary Judgment and Permanent Injunction, dated February 7, 2013;
20. Defendants' Motion for Summary Judgment, dated August 1, 2013;
21. Defendants' Motion to Reconsider Pursuant to Rule 59(e) SCRCPP, dated December 4, 2013;
22. Notice of Appeal, dated January 14, 2014;
23. Plaintiff's Responses to the Defendants' Requests for Admission, dated June 7, 2011;
24. Plaintiff's Answers to the Defendants' First Interrogatories and Responses to the Defendants' First Requests for Production, dated July 13, 2012;
25. Document Production from the Charleston County Sheriff's Office Pursuant to the Freedom of Information Act Request, dated May 11, 2011;
26. Document Production from the South Carolina Department of Transportation Pursuant to the Freedom of Information Act Request, dated May 11, 2011;
27. Document Production from the Town of Mount Pleasant Pursuant to the Freedom of Information Act request, dated July 5, 2011;

28. Correspondence from South Carolina Department of Transportation, dated August 5, 1999;
29. Correspondence from E.L. Pooser, III to George Sisson, dated March 21, 2000;
30. Permit Approval from the South Carolina Department of Transportation, dated March 29, 2000;
31. Access Easement and Abandonment of Encroachment Permit, dated October 17, 2000;
32. Correspondence from Richard L. Turner, SCDOT, to E.L. Pooser, Jr., dated June 20, 2008;
33. Correspondence from G. Dana Sinkler, Esq. to Sweetgrass Hardware, Inc., dated August 20, 2008;
34. Correspondence from Gray B. Taylor, Esq. to G. Dana Sinkler, Esq., dated November 10, 2008;
35. License Agreement, dated November 13, 2008;
36. Correspondence from the South Carolina Department of Transportation, dated March 10, 2009;
37. Correspondence from the South Carolina Department of Transportation to Pooser and Sisson, dated June 19, 2009;
38. Aerial Photos of Intersection from August 14, 2013 trial proceedings;
39. Plat recorded in Plat Book EA at Page 742 in the RMC Office for Charleston County;
40. Plat recorded in Plat Book CD at Page 139 in the RMC Office for Charleston County;
41. CD and Video Surveillance Report from Allison Walshe dated April 20, 2013 and July 13, 2013;
42. Photograph of view from office of Stow Away Storage looking towards Highway 17, dated September 12, 2011 from Allison Walshe;
43. Photograph of view from office of Stow Away Storage looking towards Highway 17, dated September 13, 2012 from Allison Walshe;
44. Photographs from Frank Fletcher of the primary entrance going in to Sisson Scale and Sweetgrass Hardware down south Highway 17 and on the back side of Stow Away Storage showing the termination of the proposed Porchers Bluff extension;
45. Deed for sale of property, Book 0385 at Page 727;
46. The Defendants Motions to Quash April 5, 2016;
47. The Defendants Motions to Quash August 4, 2016;
48. The Defendants' Memorandum in Opposition to Damages and in Support of its Motion to Quash Deposition Notices;
49. Transcript of the August 14, 2013 trial proceedings;
50. Transcript of November 9, 2016, damages proceedings.

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

Respectfully submitted



G. Hamlin O'Kelley, III

SC Bar No. 15491

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(843) 856-4488

Mount Pleasant, South Carolina
Nov. 28, 2017

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PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the Respondents' Initial Brief and Designation of Matters to be Included in the Record on Appeal were served upon G. Dana Sinkler, Esq., at 2180 Rosebank Plantation Road, Wadmalaw Island, SC 29487 and Ainsley F. Tillman, Esq., 29 Brisbane Drive, Charleston, SC 29407, by United States Mail, first class, postage prepaid on the 28 Day of November, 2017


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Attorneys for the Respondents

November 28, 2017

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G. HAMLIN O'KELLEY, III
ATTORNEY AT LAW
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The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

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

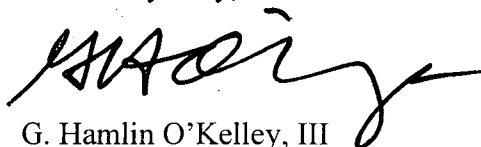
Dear Ms. Kitchings:

Enclosed please find an original and one (1) copy of the following in the above-referenced matter:

1. Respondents' Initial Brief;
2. Respondents' Designation of Matters to be Included in the Record on Appeal;
3. Proof of Service.

Please file the originals and return the file-stamped copies to me in the enclosed self-addressed stamped envelope. By copy of this letter, I am serving same upon all counsel of record, G. Dana Sinkler, Esq., and Ainsley F. Tillman, Esq. Should you have any questions, please feel free to contact me at your convenience. With kind regards, I remain

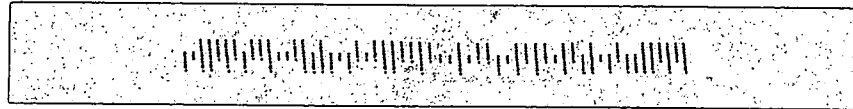
Yours very truly,



G. Hamlin O'Kelley, III

Enclosures

cc. (w/encls.): G. Dana Sinkler, Esq.
Ainsley F. Tillman, Esq.



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Attorneys at Law
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