

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

JAN 31 2018

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

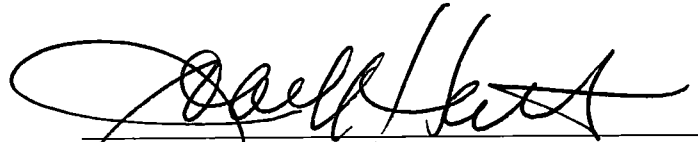
In addition to documents identified Appellant/Respondent's Designation of Matter to be Included in the Record on Appeal and Respondent/Appellant's Designation of Matter to be Included in the Record on Appeal filed on November 28, 2017, Roper Pond, LLC proposes the following to be included in the Record on Appeal for matters related to its response to Appellant/Respondent's Initial Brief:

1. Respondent Roper Pond, LLC's Third Amended Petition for Attorneys' Fees and

- Costs and for Sanctions Pursuant to Rule 72, SCR PALC dated November 30, 2015, with supporting memorandum of law and affidavits;
2. March 12, 2015 letter from the Clerk of the South Carolina Supreme Court;
 3. Deposition Transcript of Richard W. Thomas, Jr., dated August 19, 2009, with exhibits.
 4. Hearing Transcript before the Administrative Law Court dated September 3 & 4, 2009: testimony of Seth Reice, pp. 140-141 and 249.

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

January 29, 2018



W. Thomas Lavender, Jr.
Joan W. Hartley
NEXSEN PRUET, LLC
1230 Main Street, Suite 700 (29201)
Post Office Drawer 2426
Columbia, SC 29202
803.771.8900

Attorneys for Respondent/Appellant
Roper Pond, LLC

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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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

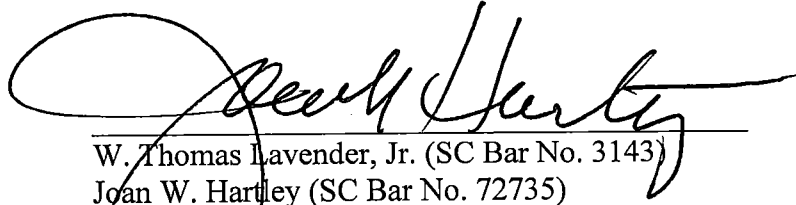
I certify that I have served the **Respondent's Initial Brief of Respondent/Appellant Roper Pond, LLC and Respondent/Appellant's Designation of Matter to be Included in the Record on Appeal** on counsel of record for South Carolina Environmental Law Project and South Carolina Department of Health and Environmental Control by depositing a copy of it in the United States Mail, postage prepaid, on January 29, 2018, 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

January 29, 2018

A large, stylized handwritten signature in black ink, which appears to read "Joan W. Hartley". The signature is written over a horizontal line.

W. Thomas Lavender, Jr. (SC Bar No. 3143)

Joan W. Hartley (SC Bar No. 72735)

Nexsen Pruet, LLC

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Columbia, South Carolina 29202

Tel: 803.771.8900

Fax: 803.727.1471

Attorneys for Respondent-Appellant Roper Pond, LLC

Joan W. Hartley
Special Counsel
Admitted in SC, NC

January 29, 2018

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JAN 31 2018
SC Court of Appeals

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

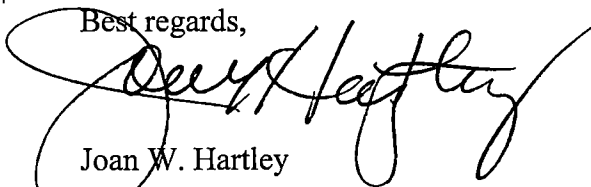
Dear Ms. Kitchings:

Charleston
Charlotte
Columbia
Greensboro
Greenville
Hilton Head
Myrtle Beach

Enclosed for filing is an original and one copy each of Respondent'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

NEXSEN | PRUET

P. O. Drawer 2426
Columbia SC 29202

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

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SC Court of Appeals

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