

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Roger M. Young, Sr. Circuit Court Judge
Kristi Lea Harrington, Circuit Court Judge

Case No.: 2016-CP-08-334
Appellate Case No.: 2017-001563

Cynthia Wright and Richard Wright, Appellants

v.

South Carolina Department of Transportation, Pilot Travel Centers, LLC,
Speedway, LLC, Ashley Land Surveying, Inc., f/k/a Ashley Engineering &
Consulting, Inc., and Munlake Contractors, Inc., Defendants,

Of whom South Carolina Department of Transportation, Pilot Travel Centers,
LLC, Speedway, LLC, Ashley Land Surveying, Inc., f/k/a Ashley Engineering &
Consulting, Inc., and Munlake Contractors, Inc. are the Respondents.

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

Respondent South Carolina Department of Transportation proposes the
follow to be included in the Record of Appeal:

1. Transcript of Daniel Sena's deposition taken on May 6, 2015 pp.51, 63-64, 72-74, 76, 79-81, 89-90, and107-109.
2. Transcript of Leland Colvin's deposition taken on March 13, 2017 pp. 9-10, 45, 48-50, 84-85, 87, 99, 101, 105, 216, 252-254, 256-257, 260-261, and 273.

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3. Pilot's Memorandum in Support of Motion for Summary Judgment dated April 6, 2017.
4. Transcript of Robert Clark deposition taken on March 13, 2017 pp. 14, 17-18, 20, and 34-35.
5. South Carolina Department of Transportation's Memorandum in Support of Motion for Summary Judgment.
6. Honorable Kristi Harrington's Form 4 Order filed June 26, 2017.
7. South Carolina Department of Transportation's Answer to Amended Complaint filed June 16, 2014.

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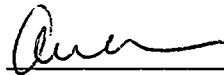
PROOF OF SERVICE

I certify that I have served Respondent South Carolina Department of Transportation's Initial Brief and Designation of Matter to be Included in the Record on Appeal by depositing a copy in the U.S. Mail, postage paid on February 5, 2018 addressed to all counsel of record as set forth below:

| | |
|--|--|
| Kevin B. Smith, Esquire Hoffman Law Firm 7087 Rivers Avenue North Charleston, SC 29406 Attorney for Appellants | Shawn B. Deery, Esquire McGowan, Hood & Felder, LLC 1517 Hampton Street Columbia, SC 29201 Attorney for Appellants |
|--|--|

| | |
|--|---|
| <p>S. Randall Hood, Esquire Jordan C. Calloway, Esquire McGowan, Hood & Felder, LLC 1539 Health Care Drive Rock Hill, SC 29732 Attorneys for Appellants</p> | <p>Bruce A. Berklinsky, Esquire P.O. Box 206 Charleston, SC 29402 Attorney for Ashley Land Surveying, Inc f/k/a Ashley Engineering & Consulting, Inc.</p> |
| <p>William G. Besley, Esquire Jeffery I. Silverberg, Esquire Howser, Newman & Besley, LLC P.O. Box 12009 Columbia, SC 29211 Attorneys for Pilot Travel Centers, LLC</p> | <p>Bennett Crites, Esquire Shumaker, Look & Kendrick, LP P.O. Box 22207 Charleston, SC 29413 Attorneys for Speedway, LLC</p> |

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South Carolina Department of
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Roy P. Maybank
Amanda R. Maybank
Marshall A. Earhart

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EMAIL:
amanday@maybanklaw.com

February 5, 2018

VIA Federal Express

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

Re: Cynthia Wright and Richard Wright v. SCDOT, Pilot Travel Centers, LLC, Speedway, LLC, Ashley Land Surveying, Inc. f/k/a Ashley Engineering & Consulting, Inc. and Munlake Contractors, Inc.
Case No.: 2016-CP-08-0334
IRF Claim No.: 08874
MLF File: 102.051

Dear Ms. Kitchings:

Enclosed please find the original and one copy of Respondent SCDOT's Initial Brief, Designation of Matter to be Included in the Record on Appeal and Proof of Service for the above referenced case. Please file the original and return a clocked in copy for our file. A self-addressed, prepaid envelope is provided for this purpose.

Should you have any questions, please do not hesitate to call.

With kind regards, I am

Sincerely,



Amanda R. Maybank

ARM/tgw
Enclosures

cc: Kevin B. Smith, Esquire
S. Randall Hood, Esquire
Jordan C. Calloway, Esquire
Shawn B. Deery, Esquire
William G. Besley, Esquire
Bennett Crites, Esquire
Bruce A. Berlinsky, Esquire

FedEx Package
Express US Airbill

FedEx
Tracking
Number

8082 5132 3730

Form ID No. 0215

MARKS

1 From [Redacted]

Date 2/5/18

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Company MAYBANK LAW FIRM, LLC

Address 531 SAVANNAH HWY

City CHARLESTON State SC ZIP 29407-7209

2 Your Internal Billing Reference 102.051 Wright

3 To Recipient's Name Hon. Jenny A. Kitchings Phone

Company SC Court of Appeals / Clerk & Conf

Address 1015 Sumter Street

Address [Redacted]

City Columbia State SC ZIP 29201

HOLD Weekday
FedEx location address
REQUIRED. NOT available for
FedEx First Overnight.

HOLD Saturday
FedEx location address
REQUIRED. Available ONLY for
FedEx Priority Overnight and
FedEx 2Day to select locations.

We cannot deliver to P.O. boxes or P.O. ZIP codes. Dept./Floor/Suite/Room

Use this line for the HOLD location address or for continuation of your shipping address.

0119814145



8082 5132 3730

4 Express Package Service *To most locations.
NOTE: Service order has changed. Please select carefully.

Packages up to 150 lbs.
For packages over 150 lbs., use the
FedEx Express Freight US Airbill.

Next Business Day

2 or 3 Business Days

- FedEx First Overnight
Next business morning delivery to select locations. Packages will be delivered on the next business morning. Not available for international shipments.
- FedEx Priority Overnight
Next business morning. *Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- FedEx Standard Overnight
Next business afternoon. *Saturday Delivery NOT available.

- FedEx 2Day A.M.
Second business morning. *Saturday Delivery NOT available.
- FedEx 2Day
Second business afternoon. *Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- FedEx Express Saver
Third business day. *Saturday Delivery NOT available.

5 Packaging Declared value limit \$500.

- FedEx Envelope
- FedEx Pak*
- FedEx Box
- FedEx Tube
- Other

6 Special Handling and Delivery Signature Options

- SATURDAY Delivery
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.
- No Signature Required
Package may be left without obtaining a signature for delivery.
- Direct Signature
Someone at recipient's address may sign for delivery. *Fee applies.*
- Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. *Fee applies. For residential deliveries only.*

Does this shipment contain dangerous goods?

- One box must be checked.
- No
 - Yes As per attached Shipper's Declaration.
 - Yes Shipper's Declaration not required.
 - Dry Ice Dry Ice, 9, UN 1845 x kg
 - Cargo Aircraft Only
- Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.

7 Payment Bill to:

- Sender Acct. No. in Section 4 will be billed.
 - Recipient
 - Third Party
 - Credit Card
 - Cash/Check
- Enter FedEx Acct. No. or Credit Card No. below. Obtain recip. Acct. No.

Total Packages Total Weight Credit Card Auth.

*Our liability is limited to US\$100 unless you declare a higher value. See the current FedEx Service Description.

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