

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

APPEAL FROM THE ADMINISTRATIVE LAW COURT

John D. McLeod, Administrative Law Judge

MAR 21 2018
SC Court of Appeals

Appellate Case No. 2017-001554

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 Hutton 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 the Appellant/Respondent,

vs.

South Carolina Department of Health and Environmental Control, Respondent, and Roper Pond, LLC, Respondent/Appellant.

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

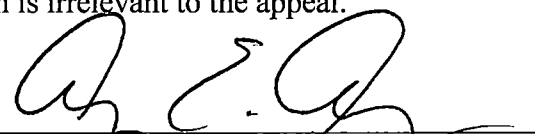
The Appellant proposeS the following material to be included in the Record on Appeal:

1. ALC Order for Attorneys Fees and Costs and Sanctions, dated June 14, 2017
2. ALC Amended Order on Attorneys Fees and Costs and for Sanctions, dated March 15, 2017
3. ALC Order Granting Motion to Strike, dated January 25, 2016
4. ALC Order to Bifurcate, dated August 3, 2015
5. Supreme Court Order Denying Attorneys Fees and Costs, dated July 17, 2015
6. Supreme Court Order Dismissing as Moot, dated April 9, 2015

7. Supreme Court Order Granting Certiorari, dated August 22, 2014
8. Court of Appeals Opinion on Rehearing, dated June 12, 2013
9. Court of Appeals Opinion, dated March 6, 2013
10. Order Denying Motion for Reconsideration and For Stay, dated April 1, 2010
11. Final Order and Decision, dated January 21, 2010
12. DHEC Board Denial Letter, dated January 14, 2009
13. Petitioners' Request for Final Review Conference, filed December 30, 2008
14. Petitioners' Request for Contested Case Hearing, filed February 16, 2009
15. Prehearing Statement of Petitioners, filed April 9, 2009
16. Amended Prehearing Statement of Petitioners, filed June 16, 2009
17. Final Brief and Final Reply Brief of Petitioners, filed February 28, 2011
18. Petition for Rehearing, filed March 21, 2013
19. Petition for Writ of Certiorari, filed July 12, 2013
20. Return to Petition for Writ of Certiorari, filed September 11, 2013
21. Reply to Return to Petition for Writ of Certiorari, filed October 8, 2013
22. Brief on Certiorari, filed October 2, 2014
23. Reply Brief on Certiorari, filed November 18, 2014
24. Motion to Strike (Roper Pond), dated September 10, 2015
25. Response to Motion to Strike (Town), dated October 19, 2015
26. Reply on Motion to Strike (Roper Pond), dated October 26, 2015
27. Amended Motion to Strike or, Alternatively, to Allow Discovery (Town), filed February 21, 2017
28. Response to Amended Motion to Strike or, Alternatively, to Allow Discovery (Roper Pond), filed March 13, 2017

29. Reply on Motion to Strike (Town), filed
30. Third Amended Petition for Attorneys Fees and Costs and for Sanctions, dated November 30, 2015
31. Response to Third Amended Petition for Attorneys Fees and Costs and for Sanctions, dated February 5, 2016
32. Proposed Orders of Roper Pond finding liability and awarding fees, costs and sanctions
33. Hearing Transcript before the Administrative Law Court, dated September 3 & 4, 2009, testimony of Seth Reice
34. Hearing Transcript before the Administrative Law Court, dated September 3 & 4, 2009, pages 112-132, testimony of Charles Hightower.
35. Petitioners' Exhibit 3, NPDES General Permit, dated August 1, 2006
36. Petitioners' Exhibit 10, Corps letter from Hadden to Whatley, dated September 9, 2008
37. Petitioners' Exhibit 15, photo
38. Petitioners' Exhibit 16, photo
39. Petitioners' Exhibit 23, Nationwide Permit 401 General Conditions, dated May 11, 2007
40. Petitioners' Exhibit 27, Deposition of Richard W. Thomas, dated August 19, 2009

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



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March 19, 2018

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vs.

South Carolina Department of Health and Environmental Control, Respondent, and Roper Pond, LLC, Respondent/Appellant.

CERTIFICATE OF SERVICE

I hereby certify that on this date I served Respondents Roper Pond, LLC and SCDHEC with the Town of Arcadia Lakes' Initial Reply Brief and Amended Designation of Matter by placing copies of same in the U.S. Mail addressed to:

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March 19, 2018