

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JAN 28 2019

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Circuit Court

Kristi Lea Harrington, Circuit Court Judge

Circuit Court Case No.: 2016-CP-10-03504
Appellate Case No.: 2017-002523

Ernest McKnight,

.....Appellant,

v.

Anna Michelle Porcher, Eugene D. Gathers, Estate of Ned Wright, Estate of Hattie Gasden, Edward Wright, Estate of Samuel Wright, James Wright, Estate of Earline Wright Maxwell, Ida Wright, Estate of Wileminia Wright, Henry Wright, Jr., Estate of Henry Wright, Estate of Ernestine Wright, Estate of Samuel Wright, Edward Wright, Estate of James Wright, Estate of Oscar Wright, Martha Wright, Estate Of Leroy Wright, Estate of Edward Wright, Estate of Harold Wright, Estate of Charles Wright, Jr., Estate of Hattie Wright Gaston a/k/a Hattie Wright Gadsden, Estate of Earline Wright, Estate of Annie Wright, Walter Nathaniel Porcher, III, Keisha Kenyatta Porcher, and John Doe and Mary Roe, fictitious names representing unknown minors, incompetents, persons in the military service within the meaning of Title 50, United States Code, commonly referred to as The Service Members Civil Relief Act of 2003, persons imprisoned, and persons under any other legal Disability and fictitious names representing unknown heirs, devisees, distributes, or personal representatives of any deceased persons,

.....Respondents.

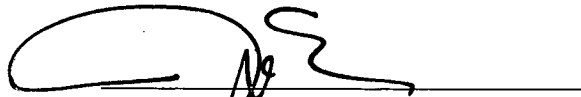
**RESPONDENTS' DESIGNATION OF MATTER TO BE INCLUDED IN THE
RECORD ON APPEAL**

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

1. Lis Pendens - filed January 12, 2010;
2. Complaint - filed January 12, 2010;
3. Answer and Counterclaim of McKnight – filed March 18, 2010;
4. Affidavit of Default as to All Defendants except McKnight filed March 30, 2010;
5. Gathers' Reply to McKnight's Counterclaim – filed March 31, 2010;
6. Order of Default as to All Defendants except McKnight - issued April 1, 2010;
7. Motion for Judgment on the Pleadings Pursuant to SCRCR Rule 12 (c) or in the Alternative Motion for Summary Judgment as to McKnight's Counterclaim for Adverse Possession - filed May 19, 2010;
8. Consent Order of Dismissal - filed August 2, 2010;
9. Motion for Summary Judgment as to All Defendants except McKnight - filed October 8, 2010;
10. Order granting Gathers' Motion for Summary Judgment as to All Defendants except McKnight- issued April 21, 2011;
11. McKnight's Motion to Set Aside Summary Judgment - filed September 27, 2011;
12. Affidavits of McKnight and Porcher - filed September 27, 2011;
13. Gathers' Memorandum in Opposition to McKnight's Motion to Set Aside Summary Judgment - filed January 11, 2012;
14. Porcher's Motion to Intervene and Join McKnight's Motion to Set Aside Summary Judgment - filed January 11, 2012;
15. Gathers' Affidavit - filed February 9, 2012;
16. Affidavit of Porcher – filed February 24, 2012;
17. Order substituting parties - issued February 24, 2012;
18. Order allowing Porcher to intervene - issued March 15, 2012.
19. Order denying McKnight's Motion to Set Aside Summary Judgment - issued May 4, 2012;
20. McKnight's Notice of Appeal - filed May 22, 2012;
21. Court of Appeals Order - filed April 7, 2014;
22. Gathers' Motion to Compel – filed October 16, 2014;
23. Notice of Hearing – filed October 27, 2014;
24. Gathers' Pre-Trial Brief – filed November 20, 2014;
25. Answer – filed November 25, 2014;
26. Order/Judgment – filed January 6, 2015;
27. Notice of Appeal - filed March 5, 2015;
28. Court of Appeals' Order Dismissing Appeal – filed March 26, 2015;
29. Lis Pendens – filed July 21, 2015;
30. Complaint – filed July 21, 2015;
31. Answer – filed August 25, 2015;
32. Affidavit of Porcher – filed August 28, 2015;
33. Motion to Dismiss – filed August 28, 2015;
34. Return to Motion to Dismiss – filed September 25, 2015;
35. Notice of Hearing – filed October 15, 2015;
36. Motion to Set Aside – filed January 6, 2016;
37. Order granting Motion to Dismiss – filed January 25, 2016;

38. Notice of Appeal - filed February 25, 2016;
39. Remittur from Court of Appeals re: Appeal Dismissed – filed April 4, 2016;
40. Lis Pendens – filed July 7, 2016;
41. Complaint – filed July 7, 2016;
42. Answer (Porcher) – filed July 21, 2016;
43. Motion to Dismiss (Porcher) – filed July 21, 2016;
44. Answer (Gathers) – filed August 25, 2016;
45. Motion to Dismiss (Gathers) – filed August 25, 2016;
46. Return to Motion for Dismissal – filed August 26, 2016;
47. Memorandum in Support of Motions to Dismiss (Porcher & Gathers) – filed January 4, 2017;
48. Order re: Motions to Dismiss granted – filed January 6, 2017;
49. Motion to Reconsider – filed February 9, 2017;
50. Porcher & Gathers' Memorandum in Opposition to McKnight's Motion to Reconsider – filed October 10, 2017;
51. Order denying McKnight's Motion to Reconsider – filed October 25, 2017; and
52. Notice of Appeal of Order dated 10/25/2017.

Date: January 23, 2019



Jonathan S. Altman, Esq.
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575 King Street, Suite B
Charleston, SC 29403
Telephone: (843) 723-9804

Attorney for Respondents

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.....Respondents.

PROOF OF SERVICE

I certify that I have served Respondents' Initial Brief and Designation of Matter on Appellant as indicated below:

Willie B. Heyward, Esq.
Heirs Property Law Center
27 Gamecock Avenue, Suite 200
Charleston, SC 29407

Attorney for Appellant

January 24, 2019

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line and a short vertical stroke.

Jonathan S. Altman, Esq.
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575 King Street, Suite B
Charleston, SC 29403
Telephone: (843) 723-9804

Attorney for Respondents

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D E R F N E R
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January 24, 2019

The Honorable Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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SC Court of Appeals

RE: Ernest McKnight v. Anna Michelle Porcher, et al.
Appellate Case No. 2017-002523
Circuit Court Case No.: 2016-CP-10-03504

Dear Ms. Kitchings:


Please find enclosed an original and one copy of the following documents relative to the above referenced matter:

1. Respondents' Initial Brief;
2. Respondents' Designation of Matter; and
3. Proof of Service upon Appellant's counsel of same.

Please file the originals and return clocked-in copies to me in the enclosed self-addressed stamped envelope. Please contact me with any questions you may have regarding the above matter.

Yours Very Truly,

DERFNER & ALTMAN, LLC



Jonathan S. Altman

JSA/rs

Enclosures

cc: Willie B. Heyward, Esq.

ARMAND DERFNER | SAMUEL H. ALTMAN | JONATHAN S. ALTMAN

843.723.9804 (PHONE) | 843.723.7446 (FAX) | 575 KING STREET | SUITE B | CHARLESTON, SOUTH CAROLINA 29403 | DERFNERALTMAN.COM

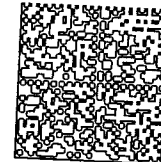
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