

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Appellate Case Number: 2019-001100

Case No. 2015-CP-10-0020

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SEP 18 2019
SC Court of Appeals

Steven M. Bernard and Deborah J. Bernard, on Behalf of Themselves and all others Similarly Situated,Appellants,
v.
3 Chisolm Street Homeowners Association, Inc.,.....Respondent.

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Appellants propose the following be included in the Record on Appeal:

- 1 Order by Consent to Certify the Class of Plaintiffs dated August 7, 2017;
- 2 Order of Judge Miller granting motion for Summary Judgment dated December 7, 2018;
- 3 Order Denying Plaintiffs' Motion to Alter or Amend Order dated June 21, 2019;
- 4 Unpublished Opinion No. 2014-UP-128 3 Chisolm Street Homeowners Association, Inc., Appellant, v. Chisolm Street Partners, LLC et al
- 5 Summons & Complaint dated January 2, 2015;
- 6 Defendant's Motion to Dismiss with Exhibit A dated March 5, 2015;
- 7 Amended Class Action Complaint dated April 13, 2015;
- 8 3 Chisolm Street Homeowners Association, Inc.'s Answer to Amended Complaint dated April 29, 2015;
- 9 Defendant's Motion for Summary Judgment dated May 30, 2018 with Exhibits A through J;
- 10 Plaintiff's Return to Defendant's Motion for Summary Judgment dated October 16, 2018 with Exhibits A - F;

- 11 Affidavit of Steven Bernard Opposing Defendant's Motion for Summary Judgment
dated October 16, 2018;
12 Reply to Plaintiffs' Return to Defendant's Motion for Summary Judgment;
13 Plaintiffs' SCRCR R. 59(e) Notice of Motion and Motion to Alter or Amend the
December 7, 2018 Order Granting Defendant's Motion for summary Judgment
dated December 17, 2018;
14 Notice of Appeal dated July 5, 2019;
15 Transcript of Record dated October 22, 2018;
16 Summons/Complaint 3 Chisolm Street vs Chisolm Street Partners dated January
16, 2009;



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Counsel for Appellants

September 16, 2019
Charleston, SC

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Counsel for Respondent

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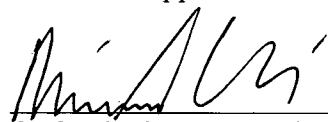
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Civil Case No. 2015-CP-10-0020

Steven M. Bernard and Deborah J. Bernard, on Behalf of Themselves and all others Similarly
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CERTIFICATE OF COUNSEL

The undersigned counsel certifies that the Designation of Matter to be Included in the
Record on Appeal contains no matter which is irrelevant to the appeal.



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PROOF OF SERVICE

I certify that I have served the Designation of Matter to be Included in the Record on
Appeal upon M. Dawes Cook, Jeffrey Michael Bogdan and Andrew F. Lindemann, attorneys for
Respondent by depositing a copy of it in the United States Mail, with sufficient postage attached
thereto and addressed as follow:

M. Dawes Cook, Esquire
Jeffrey Michael Bogdan, Esquire
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Andrew F. Lindemann
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Dated: 9.16.19

Tracy O'Brien

O. Grady Query

Certified Circuit Court
Arbitrator & Mediator

Certified National Trial
Advocacy Civil Trial Specialist



Query Sautter & Associates
Attorneys and Counselors at Law

Michael W. Sautter
Managing Partner

Michael Ellis
Attorney

September 16, 2019

Jenny Abbott Kitchings
South Carolina Court of Appeals Clerk of Court
Post Office Box 11629
Columbia, South Carolina 29211

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RE: Bernard v. 3 Chisolm Street Homeowners Association
Appellate Case No.: 2019-001100

Dear Ms. Kitchings:

Enclosed herewith for filing, please find an original and one copy of the following:

1. Designation of Matter to be Included in the Record on Appeal;
2. Proof of Service of Designation of Matter;
3. Certificate of Counsel;
4. Appellants' Initial Brief; and
5. Proof of Service of Initial Brief.

Please file the originals and return the clocked copies to me in the enclosed envelope. By copy of this letter with enclosure, I am serving M. Dawes Cook, Jeffrey Michael Bodgan and Andrew F. Lindemann.

Thank you for your assistance. Should you have any questions, please do not hesitate to contact this office.

Sincerely,

Tracey O'Brien
Assistant to Michael Ellis

Enclosures

cc: M. Dawes Cook, Esquire
Jeffrey Michael Bogdan, Esquire
Andrew F. Lindemann, Esquire

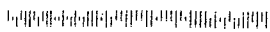
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