

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Alex Kinlaw, Jr., Circuit Court Judge  
Case No. 2017-CP-10-5382  
Appellate Case No. 2019-001125

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South Carolina Department of Commerce,  
Division of Public Railways,

Appellant,

v.

Gateway Properties of Greater Charleston, LLC,

Respondent,

and

NBSC a division of Synovus Bank, VFC Partners 15 LLC, Capella Carolinas, LLC,  
Donivon Glassburn, and the Loft Pilates Center, LLC,

Other Condemnees.

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APPELLANT'S DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL

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Appellant, South Carolina Department of Commerce, Division of Public Railways  
designates the following matter to be included in the record on an appeal:

**Orders**

1. Order on Condemnor's Post-Trial Motions (dated June 4, 2019, and filed June 11, 2019)
2. Amended Order on Motion for Interest and Litigation Expenses (July 2, 2019)

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### **Judgments**

3. Jury Verdict

### **Pleadings and Motions**

4. Condemnation Notice and Tender of Payment (October 19, 2017)
5. Landowner's Answer to Condemnation Notice (October 24, 2017)
6. Condemnor's Motion in Limine to Exclude the Testimony of Landowner's Appraiser, Thomas F. Hartnett, and Memorandum in Support (March 25, 2019)
7. Condemnor's Post-Trial Motions (April 8, 2019)
8. Landowner's Memorandum in Opposition to Condemnor's Post-Trial Motions (April 25, 2019)
9. Condemnor's Reply in Support of Post Trial Motions (April 30, 2019)
10. Notice of Appeal (July 10, 2019)

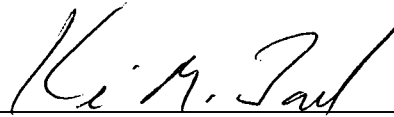
### **Transcripts**

11. Transcript of Record of Trial, Volume I, pp. 44-71, 81-114 (March 25, 2019)
12. Transcript of Record of Trial, Volume II, pp. 163-171, 202-211, 225-227, 240-272, 299-332 (March 26, 2019)
13. Transcript of Record of Trial, Volume III, pp. 379-525, 559-563 (March 27, 2019)
14. Transcript of Record of Trial, Volume IV, pp. 585-602 (March 28, 2019)

### **Exhibits**

15. Landowner's Exhibits
  - a. 11
  - b. 30
  - c. 38
  - d. 59
  - e. 63
  - f. 66

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



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October 16, 2019

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In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
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The Honorable Alex Kinlaw, Jr.  
Case No. 2017-CP-10-5382  
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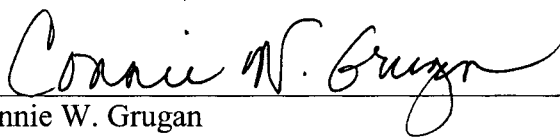
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I, Connie W. Grugan, legal assistant to the law firm of Lewis Babcock L.L.P., hereby certify that I have served the Initial Brief of Appellant and Appellant's Designation of Matter to be Included in the Record on Appeal upon opposing counsel by mailing a copy of same, postage prepaid and return address clearly indicated, to said counsel addressed as follows:

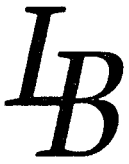
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\_\_\_\_\_  
Connie W. Grugan

This 16<sup>th</sup> day of October, 2019.



LAW OFFICES OF  
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October 16, 2019

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

Re: South Carolina Department of Commerce, Division of Public Railways v.  
Gateway Properties of Greater Charleston, LLC, et al.  
Case No. 2019-001125

Dear Ms. Kitchings:

Enclosed please find the original and one copy of the Initial Brief of Appellant and Appellant's Designation of Matter to be Included in the Record on Appeal in regard to the above-referenced matter for filing with your office. Please return a clocked copy via our courier.

By copy of this letter, we are hereby serving a copy of same upon opposing counsel.

Very truly yours,

Keith M. Babcock

KMB:cg  
Enclosure

cc: G. Trenholm Walter, Esquire  
John Phillips Linton, Jr., Esquire  
Robert S. Dodds, Esquire