

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Eugene C. Griffith, Jr., Circuit Court Judge

Case No. 2018-CP-10-0846  
Case No. 2018-CP-10-2131  
Case No. 2018-CP-10-2539  
Appellate Case No. 2019-000903

**RECEIVED**  
OCT 25 2019  
SC Court of Appeals

City of Charleston,

Appellant,

v.

City of North Charleston and Millbrook Plantation LLC,

Respondents.

AND

Millbrook Plantation, LLC,

Plaintiff,

v.

City of Charleston

Defendant.

AND

City of Charleston

Plaintiff,

v.

City of North Charleston and Millbrook Plantation, LLC,

Defendants.

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DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

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Appellant City of Charleston (“Appellant”) proposes the following be included in the Record on Appeal:

**Orders**

1. Order Granting Motion to Dismiss filed 3/1/2019;
2. Order Granting Motion to Dismiss filed 3/5/2019;
3. Order Denying Motion to Reconsider filed 5/1/2019;
4. Order Consolidating Cases filed 12/19/2018;

**Pleadings**

5. Charleston Notice of Intent (2018-CP-10-0846) filed 2/15/2018;
6. Charleston Summons & Complaint (2018-CP-10-0846) filed 3/27/2018;
7. North Charleston’s Answer & Countercls. (2018-CP-10-0846) filed 4/17/2018;
8. Millbrook’s Answer & Countercls. (2018-CP-10-0846) filed 4/23/2018;
9. Charleston’s Reply to North Charleston’s Countercls. (2018-CP-10-0846) filed 5/17/2018;
10. Charleston’s Reply to Millbrook’s Countercls. (2018-CP-10-0846) filed 5/17/2018;
11. Millbrook Notice of Intent (2018-CP-10-2131) filed 4/24/2018;
12. Millbrook Summons & Complaint (2018-CP-10-2131) filed 4/24/2018;
13. Charleston’s Answer & Countercl. (2018-CP-10-2131) filed 5/23/2018;
14. Millbrook Reply to Countercl. (2018-CP-10-2131) filed 7/31/2018;
15. Charleston’s Notice of Intent (2018-CP-10-2539) filed 5/18/2018;
16. Charleston’s Summons & Complaint (2018-CP-10-2539) filed 5/18/2018;
17. North Charleston’s Answer & Countercl. (2018-CP-10-2539) filed 5/30/2018;
18. Charleston’s Reply to North Charleston’s Countercl. (2018-CP-10-2539) filed 6/7/2018;
19. Millbrook’s Answer (2018-CP-10-2539) filed 7/9/2018;

**Motions, Memoranda, and Proposed Orders**

20. Millbrook’s Motion to Dismiss (2018-CP-10-0846) filed 10/4/2018;
21. Millbrook’s Motion to Dismiss (2018-CP-10-2539) filed 10/4/2018;
22. Millbrook’s Mem. Support Mot. to Dismiss filed 10/23/2018;<sup>1</sup>
23. Charleston’s Mem. in Opp. to Mot. to Dismiss filed 10/23/2018;
24. Charleston’s Proposed Order Denying Mot. to Dismiss;
25. Charleston’s Mot. to Reconsider filed 3/14/2019;

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<sup>1</sup> Millbrook’s Memorandum in Support of its Motion to Dismiss and Charleston’s Memorandum in Opposition to Millbrook’s Motion to Dismiss were both filed in Millbrook I and Millbrook III, prior to these cases being consolidated. The memoranda contain headings referencing both actions, and Charleston proposes to include only one (1) copy of each in the Record on Appeal.

**Transcripts & Exhibit**

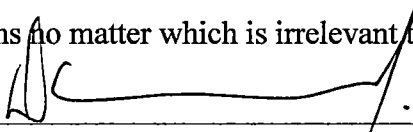
- 26. Transcript of October 24, 2018 hearing, pp. 1-39, 61-69;
- 27. Demonstrative Exhibit (Map);<sup>2</sup>

**Notice of Appeal**

- 28. Notice of Appeal

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

October 23, 2019

  
\_\_\_\_\_  
Daniel S. ("Chip") McQueeney, Jr. (S.C. Bar No. 06802)  
Email: mcqueeneyd@charleston-sc.gov

City of Charleston  
50 Broad Street  
Charleston, South Carolina 29401  
Telephone: (843) 724-3730

Attorneys for Appellant City of Charleston

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<sup>2</sup> A large map of the area was used as a demonstrative exhibit at the hearing before the circuit court on October 24, 2018. For ease of reference, Charleston proposes to include a smaller (8" x 11.5" or 11" x 17") copy of the map in the Record on Appeal.

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PROOF OF SERVICE

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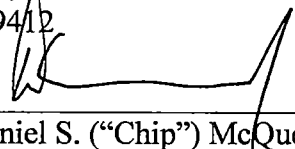
I certify that I have served Appellant's initial brief and designation of matter on Respondent City of North Charleston, by depositing a copy of it in the United States Mail, postage prepaid, on October 23, 2019, addressed to its attorneys of record, as follows:

J. Brady Hair, Esquire  
Derk Van Raalte  
Legal Department  
2500 City Hall Lane  
North Charleston, SC 29406

I also certify that I have served Appellant's initial brief and designation of matter on Respondent Millbrook Plantation LLC by depositing a copy of it in the United States mail, postage prepaid, on October 23, 2019, addressed to its attorneys of record, as follows:

Bruce E. Miller, Esquire  
Bruce E. Miller, P.A.  
147 Wappoo Creek Drive, Suite 603  
Charleston, SC 29412

October 23, 2019



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Daniel S. ("Chip") McQueeney, Jr.  
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*City of Charleston*

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**OF COUNSEL**

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SC Court of Appeals

October 23, 2019

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

RE: City of Charleston v. City of North Charleston  
Appellate Case No. 2019-000903

Dear Ms. Kitchings:

Please be advised that I represent Appellant City of Charleston ("Appellant") in the above-referenced matter. Enclosed for filing, please find a copy of the Appellant's Initial Brief and Designation of Matter, along with a Proof of Service of same on opposing counsel.

Your courtesies and consideration of this matter are greatly appreciated.

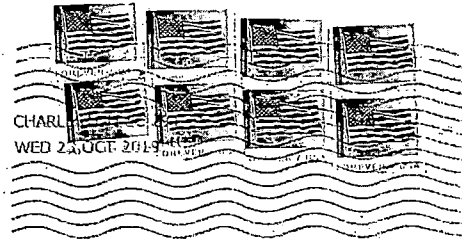
With kindest regards, I am,

Very Truly Yours,

Daniel S. ("Chip") McQueeney, Jr.  
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50 Broad Street  
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E-mail: mcqueeneyd@charleston-sc.gov  
(843) 724-3730  
Attorney for Appellant City of Charleston

c: J. Brady Hair, Esquire  
Derk Van Raalte  
Bruce E. Miller, Esquire

Daniel S. McQuency, Jr.  
City of Charleston - Legal Dept.  
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