

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-10-0851
Appellate Case No. 2019-000728

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SC Court of Appeals

National Trust for Historic Preservation
in the United States and the City of Charleston,

Respondents/Appellants,

v.

City of North Charleston,

Appellant/Respondent.

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

Respondent/Appellant City of Charleston ("Charleston") proposes the following be included in the Record on Appeal:

Orders

1. Order filed 3/1/2019;
2. Order filed 3/5/2019;
3. Order Denying Motion to Reconsid. filed 5/1/2019;

Pleadings

4. Notice of Challenge of Annexation filed 2/16/2018;
5. Summons & Complaint filed 3/20/2018;
6. North Charleston's Answer & Countercls. filed 4/17/2018;
7. Charleston's Reply to North Charleston's Countercls. filed 5/17/2018;
8. National Trust's Reply to North Charleston's Countercls. filed 5/21/2018;

Motions, Memoranda, and Proposed Orders

9. North Charleston's Motion for Partial Summ. J. filed 10/9/2018;
10. North Charleston's Motion to Dismiss filed 10/9/2018;
11. Plts.' Notice of Mot. & Mot. for Summ. J. filed 11/9/2019;¹
12. Charleston's Mem. in Opp. to North Charleston's Mot. to Dismiss filed 12/10/2018;
13. Mem. of National Trust in Opp. to North Charleston's Mot. to Dismiss filed 12/10/2018, with large copies of documents utilized within Memorandum attached;
14. Plts.' Consolidated Mem. on Summ. J. Mots. filed 12/10/2019;
15. North Charleston's Mem. in Supp. of Mot. to Dismiss;
16. Charleston's proposed order denying North Charleston's motion to dismiss, emailed to circuit court on 1/9/2019;
17. National Trust and Charleston's proposed order regarding summary judgment motions on the issue of adjacency, emailed to the circuit court on 1/9/2019;
18. Charleston's Notice of Mot. and Mot. to Reconsid., Alter, or Amend filed 3/15/2019;

Transcripts & Exhibit

19. Transcript of December 10, 2018 hearing;
20. Affidavit of Adam MacConnell filed 10/9/2018, to include the following attachments:
 1. North Charleston City Council Minutes dated 12/14/2017;
 2. North Charleston Resolution No. 2017-067
 3. North Charleston City Council Minutes dated 12/21/2017;
 4. North Charleston Ordinance No. 2017-080;
 5. Deed O121/209;
21. Affidavit of Daniel C. Forsberg filed 12/10/2018, to include the following exhibits:
 1. Deed E89/131;
 2. 1974 Tax Map;
 3. Deed O121/206;
 4. Deed O121/209;
 5. Plat BP/129;
 6. Deed A186/320;
 7. Plat L09/0225-0229;
 8. Plat S17/0224;
 9. Deed 0667/666;
 10. Deed 0673/028
22. Plaintiffs' Compl. in Case No. 2018-CP-10-0848 (filed 12/10/2018 as part of Plaintiffs' Record, pp. 71-89);
23. North Charleston's Answer in Case No. 2018-CP-10-0848 (filed 12/10/2018 as part of Plaintiffs' Record, pp. 90-112);²

¹ The exhibits to this motion are separately designated and will be included in the Record on Appeal only once.

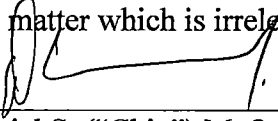
² The National Trust and Charleston included a document entitled "Plaintiffs' Record" as an attachment to their Consolidated Memorandum on Summary Judgment Motions, filed on December 10, 2018. This record contained exhibits, including the complaint; answer; Forsberg's affidavit with exhibits; Plaintiffs' Complaint in Case No. 2018-CP-10-0848; North Charleston's Answer in Case No. 2018-CP-10-0848; and MacConnell's affidavit with all attachments. The record was consecutively-paginated for ease of reference, as "PLTS.' RECORD P. 001" through

Notice of Appeal

- 24. North Charleston's Notice of Cross Appeal with certificate of service;
- 25. Charleston's Notice of Appeal with proof of service;
- 26. National Trust's Notice of Appeal with proof of service.

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

November 15, 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 Respondent/Appellant City of Charleston

"PLTS.' RECORD P. 171." To the extent documents in the underlying "Plaintiffs' Record" will be included in the Record on Appeal, and to the extent that they contain the referenced page numbers, Charleston proposes to remove the page numbers in the Record on Appeal to avoid confusion.

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PROOF OF SERVICE

I certify that I have served Respondent/Appellant City of Charleston's Initial Respondent's Brief, Initial Appellant's Brief, and Designation of Matter, on Appellant/Respondent City of North Charleston ("North Charleston"), by depositing a copy of them in the United States Mail, postage prepaid, on November 15, 2019, addressed to North Charleston's attorneys of record, as follows:

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

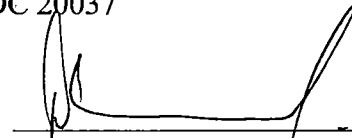
I also certify that I have served the referenced documents on Respondent/Appellant National Trust for Historic Preservation in the United States (the "National Trust") by depositing a copy of them in the United States mail, postage prepaid, on November 15, 2019, addressed to the National Trust's attorneys of record, as follows:

G. Trenholm Walker
Walker Gressette Freeman & Linton, LLC
Post Office Box 22167

Charleston, SC 29413

Anne E. Nelson
William J. Cook
National Trust for Historic Preservation
2600 Virginia Avenue, NW; Suite 1100
Washington, DC 20037

November 15, 2019



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Attorney for Respondent/Appellant City of
Charleston



November 15, 2019

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

City of Charleston

WILLIAM B. REGAN LEGAL CENTER

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OF COUNSEL

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cantwellf@charleston-sc.gov

RE: National Trust for Historic Preservation v. City of
North Charleston
Appellate Case No. 2019-000728

Dear Ms. Kitchings:

Please be advised that I represent Respondent/Appellant City of Charleston ("Appellant") in the above-referenced matter. Enclosed for filing, please find a copy of the following: (1) Respondent/Appellant City of Charleston's Initial Respondent's Brief; (2) Respondent/Appellant City of Charleston's Initial Appellant's Brief; (3) Respondent/Appellant City of Charleston's Designation of Matter; and (4) Proof of Service of each of the foregoing documents on all other counsel of record.

Your courtesies and consideration of this matter are greatly appreciated.

With kindest regards, I am,

Very Truly Yours,

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(843) 724-3730
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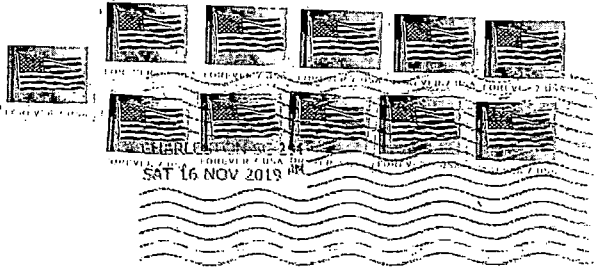
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c: J. Brady Hair (with enclosures)
Derk Van Raalte (with enclosures)
Trenholm Walker (with enclosures)
William J. Cook (with enclosures)
Anne E. Nelson (with enclosures)

Daniel S. McQueney, Jr.
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