

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Edward W. Miller, Circuit Court Judge

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Appellate Case No. 2019-001100  
Case No. 2015-CP-10-0020

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**RECEIVED**

NOV 25 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.

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

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The Respondent 3 Chisolm Street Homeowners, Association, Inc. proposes  
that the following be included in the Record on Appeal:

- (1) Order, filed December 7, 2018
- (2) Order Denying Plaintiffs' Motion to Alter or Amend Order,  
filed June 21, 2019
- (3) Order by Consent to Certify Class of Plaintiffs, filed August 7, 2017
- (4) Complaint, filed January 2, 2015

- (5) Amended Class Action Complaint, filed April 13, 2015
- (6) Answer to Amended Complaint, filed April 29, 2015
- (7) Defendant's Motion for Summary Judgment, filed May 30, 2018  
(with all attachments)
- (8) Plaintiff's Return to Defendant's Motion for Summary Judgment,  
filed October 16, 2018 (with all attachments)
- (9) Reply to Plaintiffs' Return to Defendant's Motion for Summary  
Judgment, filed October 19, 2018
- (10) Plaintiffs' Rule 59(e) Notice of Motion and Motion to Alter or Amend  
the December 7, 2018 Order Granting Defendant's Motion for  
Summary Judgment, filed December 17, 2018
- (11) Transcript, Motion Hearing held on October 22, 2018

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

LINDEMANN, DAVIS & HUGHES P.A.

BY:   
ANDREW F. LINDEMANN #13030  
5 Calendar Court, Suite 202  
Post Office Box 6923  
Columbia, South Carolina 29260  
(803) 881-8920

-and-

M. DAWES COOKE, JR. #1376  
JEFFREY M. BOGDAN #76354  
BARNWELL WHALEY  
PATTERSON & HELMS, LLC  
288 Meeting Street, Suite 200  
Post Office Drawer H  
Charleston, South Carolina 29402-0197  
(843) 577-7700

*Counsel for Respondent 3 Chisolm Street  
Homeowners, Association, Inc.*

November 22, 2019

THE STATE OF SOUTH CAROLINA  
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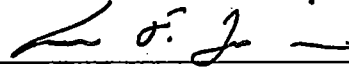
**CERTIFICATE OF SERVICE**

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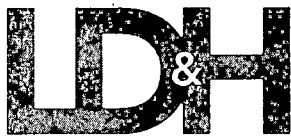
The undersigned employee of Lindemann, Davis & Hughes, P.A., counsel for the Respondent, does hereby certify that service of the **Initial Brief of Respondent and Respondent's Designation of Matter to be Included in the Record on Appeal** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 22nd day of November 2019:

O. Grady Query, Esquire  
Michael H. Ellis, Esquire  
Query Sautter & Associates, LLC  
147 Wappoo Creek Drive, Suite 202  
Charleston, South Carolina 29412

M. Dawes Cooke, Jr., Esquire  
Jeffrey M. Bogdan, Esquire  
Barnwell Whaley Patterson & Helms, LLC  
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**LINDEMANN  
DAVIS &  
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Telephone (803) 881-8920  
Facsimile (803) 862-1181

5 Calendar Court, Suite 202 (29206)  
Post Office Box 6923  
Columbia, South Carolina 29260

November 22, 2019

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

RE: Steven M. Bernard and Deborah J. Bernard, On Behalf of Themselves and all others  
Similarly Situated v. 3 Chisolm Street Homeowners, Association, Inc.  
Court of Appeals Case Number: 2019-001100  
Civil Action Number: 2015-CP-10-0020  
Claim Number: K087267  
Our File Number: 79.20085

Dear Ms. Kitchings:

Please find enclosed for filing the originals and one copy each of the **Initial Brief of Respondent and Respondent's Designation of Matter to be Included in the Record on Appeal** in the above referenced matter. Please file the originals and return a clocked-in copy of each document to me in the enclosed envelope. By copy of this letter, I am serving copies on all counsel of record.

Thank you for your assistance in this matter. If you have any questions, please advise.

Sincerely,

LINDEMANN, DAVIS & HUGHES, P.A.

Andrew F. Lindemann

AFL/jmb  
Enclosure

**ANDREW F. LINDEMANN\***  
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*\*Also Admitted in North Carolina  
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*Of Counsel*

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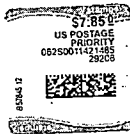
The Honorable Jenny Abbott Kitchings  
November 22, 2019  
Page Two

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cc: (w/ Enclosures)

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Query Sautter & Associates, LLC  
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