

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

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

RECEIVED
DEC 18 2019
SC Court of Appeals

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.

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

Respondent, Gateway Properties of Greater Charleston, LLC, proposes the following to be
included in the Record on Appeal:

1. Order, filed 6-11-19
2. Order, filed 6-10-19
3. Order, filed 7-12-19
4. Verdict Form
5. Summons
6. Lis Pendens
7. Condemnation Notice and Tender of Payment
8. Affidavit of Alec Thompson
9. Notice of Filing
10. Notice of Taking Possession
11. Notice of Appearance and Answer to Condemnation Notice and Tender of Payment
12. Railways' Motion in Limine to Exclude the Testimony of Thomas F. Hartnett, filed 3-25-19
13. Landowner's Memorandum in Opposition to Motion to Exclude Thomas F. Hartnett, filed 3-25-19

14. Condemnor's Post-Trial Motions filed 4-10-19
15. Motion for Interest filed 4-9-19
16. Application for Litigation Expenses filed 4-9-2019
17. Landowner's Memo. in Opp. Condemnor's Post-Trial Motions (with exhibit A) filed 4-25-19
18. Trial Transcript March 25, 26, 27 & 28 2019

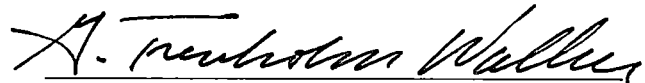
- Proceedings and Motion in Limine pp. 40-80
- Testimony of Fred Fabian pp. 162-333
- Testimony of Steve Morey pp. 334-360
- Proceedings pp. 373-381
- Testimony of Thomas Hartnett pp. 382-441
- Renewed Motion to Exclude pp. 442-443
- Motion for Directed Verdict pp. 444-454
- Testimony of Debora Haskell pp. 456-496, 513-523
- Charge Conference and Proceedings pp. 497-511
- Proceedings and Renewed Motion for Directed Verdict pp. 525-527
- Closing Arguments pp. 528-563
- Proceedings and Charge Conference pp. 570-579
- Jury Charge pp. 580-595
- Proceedings pp. 596-597
- Verdict pp. 598-599
- Polling of the Jury pp. 600-602
- Proceedings pp. 603-604

19. Landowner's Exhibits

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



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December 16, 2019
Charleston, South Carolina

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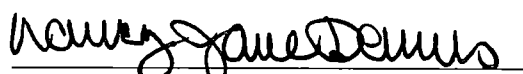
PROOF OF SERVICE

I certify that I have served the **Respondent's Initial Brief and Designation of Matter** by depositing a copy in the United States Mail, postage prepaid, on December 16, 2019, addressed to the attorneys of record:

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December 16, 2019

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Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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Re: S.C. Dept. of Commerce, Div. of Public Railways v. Gateway Properties
Appellate Case No. 2019-001125
WGFL File No.: 8068.002

Dear Ms. Kitchings:

Enclosed please find the Respondent's Initial Brief, Designation of Matter, and Proof of Service.

Thank you for filing the enclosures with the Court. With kind regards, I am.

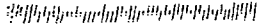
Sincerely yours,

WALKER GRESSETTE FREEMAN & LINTON, LLC

G. Trenholm Walker

Enclosures (As Stated)

c: Keith M. Babcock, Esq.
David L. Paavola, Esq.
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