

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

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Edward W. Miller, Circuit Court Judge

SC Court of Appeals

CASE NO.: 2017-CP-10-4947
APPELLATE CASE NO.: 2019-001843

Dana and John Stortz.....Appellants,

v.

The State of South Carolina, City of North Charleston, County of Charleston, Department of Health and Environmental Control, South Carolina Department of Transportation, John Doe (Engineering Firm/Engineer), Coosaw Creek Owners' Association, Inc.,Defendants.

Of which State of South Carolina, City of North Charleston, County of Charleston, Department of Health and Environmental Control, South Carolina Department of Transportation, and Coosaw Creek Owners' Association, Inc. are..... Respondents.

**RESPONDENTS DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
AND SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION'S DESIGNATION
OF MATTER TO BE INCLUDED IN RECORD ON APPEAL**

Jonathan J. Anderson, SC Bar # 383
W. Coleman Lawrimore, SC Bar # 100668
Anderson Reynolds & Stephens, LLC
37 ½ Broad Street
P.O. Box 87
Charleston, SC 29401
(843) 723-0185 – phone
*Attorneys for Respondents, Department of
Health and Environmental Control and
South Carolina Department of
Transportation*

February 4, 2020

TO: HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

COMES NOW, the Respondent Department of Health and Environmental Control (DHEC) and South Carolina Department of Transportation (SCDOT) pursuant to Rule 209 of the South Carolina Appellate Court Rules who hereby designates the parts of the transcript, Orders, pleadings, motions, and supporting memoranda, and/or other materials which Respondent DHEC/SCDOT proposes to include in the Record on Appeal.

PORTIONS OF THE TRANSCRIPT

Trial transcript of October 24, 2018: Pages 13, l. 21-25, p. 14, l. 1-23

ORDER

December 7, 2018 Order on Plaintiff's Motion to Consolidate, All Motions to Dismiss, and Defendant Coosaw Creek Owners' Association, Inc.'s Motion for Protective Order.

PLEADINGS

Respondent DHEC's / SCDOT's Motion to Dismiss pursuant to Rule 12 (b)(1), (4), and (5) dated August 23, 2018.

EXHIBITS AND OTHER MATERIALS

Motions Roster the Court of Common Pleas for Charleston County in the Ninth Judicial Circuit for October 24, 2018 (calendar entry created on October 18, 2018)

RULE 209(c), SCACR CERTIFICATION ON NEXT PAGE

I, Jonathan J. Anderson, hereby certify pursuant Rule 209(c), SCACR, the Designation of Matters to be included in the Record on Appeal submitted by Respondent Dorchester County does not contain matters and or items which are not relevant to this appeal.

ANDERSON REYNOLDS & STEPHENS, LLC



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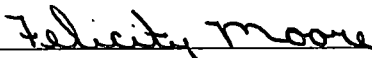
**RESPONDENTS DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
AND SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION'S PROOF OF
SERVICE OF DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON
APPEAL**

I hereby certify that on February 4, 2020, I served a copy of Respondents' Designation of Matters on the following:

<p>Jarrel L. Wigger 8086 Rivers Avenue North Charleston, South Carolina 29406 <i>Attorney for Appellant</i></p>	<p>Phillip Ferderigos 288 Meeting Street, Suite 200 Charleston SC 29401 <i>Attorney for City of North Charleston</i></p>
<p>Hugh W. Buyck G. Wade Cooper H. Lucius Laffitte, III 305 Wingo Way (29464) P.O. Box 2424 Mt. Pleasant, SC 29465-2424</p> <p>And</p> <p>Catherine H. Chase Duke R. Highfield 25 Calhoun St, Ste 400 (29401) PO Box 993 Charleston, SC 29402 <i>Attorneys for State of South Carolina and County of Charleston</i></p>	<p>Neil S. Haldrup Thomas B. Boger 145 King Street, Ste 300 (29401) PO Box 1200 Charleston, SC 29402 <i>Attorneys for Coosaw Creek Owners' Association, Inc.</i></p>

by placing a copy of said documents in the United States mail with sufficient postage thereon.

ANDERSON REYNOLDS & STEPHENS, LLC



Felicity Moore, Paralegal
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P.O. Box 87
Charleston, SC 29401
Phone: (843) 723-0185

February 4, 2020
Charleston, South Carolina

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SC Court of Appeals

February 4, 2020

VIA US MAIL

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

RE: Dana and John Stortz v. The State of South Carolina, City of North Charleston, County of Charleston, Department of Health and Environmental Control, South Carolina Department of Transportation, John Doe (Engineering Firm/Engineer), Coosaw Creek Owners' Association, Inc., Defendants

Of which State of South Carolina, City of North Charleston, County of Charleston, Department of Health and Environmental Control, South Carolina Department of Transportation, and Coosaw Creek Owners' Association, Inc. are the Respondents.

Appellate Case Number: 2019-001843

Dear Ms. Kitchings:

Please find enclosed the originals and two (2) copies each of the following:

- 1) Respondents Department of Health and Environmental Control and South Carolina Department of Transportation's Designation of Matter to be included in the Record on Appeal;
- 2) Proof of Service of Respondents' Designation of Matter to be included in the Record on Appeal;
- 3) Respondents Department of Health and Environmental Control and South Carolina Department of Transportation's Initial Brief; and
- 4) Proof of Service of Respondents' Initial Brief.

Mr. Wigger and I are currently in discussion to remove Department of Health and Environmental Control and South Carolina Department of Transportation from this appeal.

Please contact me if you require additional information at this time. I am

The Honorable Jenny Kitchings
Page 2 of 2
February 4, 2020

Sincerely yours,



J.J. Anderson

JJA/fjm
Enclosures

Via US mail

cc: Jarrel L. Wigger, Esquire
Phillip Ferderigos, Esquire
Hugh W. Buyck, Esquire
G. Wade Cooper, Esquire
H. Lucius Laffitte, III, Esquire
Catherine H. Chase, Esquire
Duke R. Highfield, Esquire
Neil S. Haldrup, Esquire
Thomas B. Boger, Esquire

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