

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

DEC 29 2020

**SC Court of Appeals**

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Appellate Case No. 2020-001189

South Carolina Coastal Conservation League, Inc., Elizabeth M. Smith and Abraham B. Jenkins, Jr., and .....Plaintiffs/Appellants,

South Carolina Public Interest Foundation, .....Plaintiff,

v.

Charleston County, South Carolina; South Carolina Transportation Infrastructure Bank, and South Carolina Department of Transportation, ..... Respondents.

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

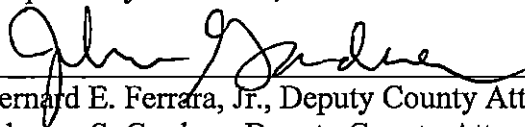
Respondent Charleston County, South Carolina propose the following matter be included in the Record on Appeal:

1. Second Amended Complaint with all exhibits, filed November 25, 2019
2. Rule 12(b)(1) and Rule 12 (b)(6) Motion to Dismiss by Charleston County, filed December 9, 2019
3. Answer of Defendant South Carolina Transportation Infrastructure Bank to Plaintiff's Second Amended Complaint, filed December 9, 2019
4. Answer of Defendant South Carolina Department of Transportation to Plaintiff's Second Amended Complaint, filed December 10, 2019
5. Charleston County's Memorandum of Law, filed January 2, 2020
6. Order Granting Defendant Charleston County's Motion to Dismiss, filed February 24, 2020
7. Motion of Jenkins, Smith and South Carolina Coastal Conservation League to Alter or Amend, filed March 5, 2020

8. Order Denying Plaintiff's Motions to Alter or Amend Order Granting Defendant Charleston County's Motion to Dismiss, filed August 3, 2020

I hereby certify that pursuant to Rule 209(c), S.C.R.A.P., the Designation of Matter to be Included in the Record on Appeal does not contain any matter irrelevant to this appeal.

Respectfully submitted,



---

Bernard E. Ferrara, Jr., Deputy County Attorney  
Johanna S. Gardner, Deputy County Attorney  
Edward L. Knisley, Deputy County Attorney  
CHARLESTON COUNTY ATTORNEY'S OFFICE  
Lonnie Hamilton, III Public Services Building  
4045 Bridge View Drive  
North Charleston, South Carolina 29405  
(843) 958-4010

Attorneys for Respondent

December 18, 2020  
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**  
DEC 29 2020  
SC Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Appellate Case No. 2020-001189

South Carolina Coastal Conservation League, Inc., Elizabeth M. Smith, and Abraham B. Jenkins, Jr, and. . . . . Plaintiffs/ Appellants,

South Carolina Public Interest Foundation, . . . . .Plaintiff,

v.

Charleston County, South Carolina, South Carolina Transportation Infrastructure Bank, and South Carolina Department of Transportation, . . . . . Respondents.

**PROOF OF SERVICE**

I certify that I have served the Initial Brief of Respondent Charleston County, South Carolina, and Designation of Matter to be Included in the Record of Appeal upon the counsel of record as follows:

W. Andrew Gowder, Jr., Esquire  
Austen & Gowder, LLC  
1629 Meeting Street, Suite A  
Charleston, South Carolina 29405

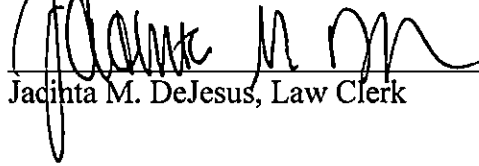
Christopher K. DeScherer, Esquire  
Southern Environmental Law Center  
525 East Bay Street, Suite 200  
Charleston, South Carolina 29403

Linda C. McDonald, Esquire  
South Carolina Department of Transportation  
Post Office Box 191  
Columbia, South Carolina, 29202

Robert E. Tyson, Esquire  
Samuel J. Wellborn, Esquire  
Jasmine D. Smith, Esquire  
Robinson Gray Stepp & Laffitte, LLC  
1310 Gadsden Street  
Columbia, South Carolina, 29201

James G. Carpenter, Esquire  
Carpenter Law Firm  
819 East North Street  
Greenville, South Carolina 29601

CHARLESTON COUNTY ATTORNEY'S OFFICE



Jacinta M. DeJesus, Law Clerk

JOHANNA S. GARDNER  
DEPUTY COUNTY ATTORNEY



CHARLESTON COUNTY ATTORNEY'S OFFICE  
Lonnie Hamilton, III Public Services Building  
4045 Bridge View Drive  
North Charleston, South Carolina 29405-7464  
Telephone: 843.958.4073  
Facsimile: 843.958.4017  
jgardner@charlestoncounty.org

December 18, 2020

**RECEIVED**

DEC 29 2020

**SC Court of Appeals**

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

Re: South Carolina Coastal Conservation League, Inc.; Elizabeth M. Smith; Abraham B. Jenkins, Jr; and South Carolina Public Interest Foundation v. Charleston County, South Carolina; South Carolina Transportation Infrastructure Bank and South Carolina Department of Transportation  
Appellate Case No. 20-001189

Dear Ms. Kitchings:

I have enclosed for filing pursuant to Rules 208 and 209, SCACR, the original and one (1) copy of the Initial Brief of Respondent Charleston County and the Designation of Matter to be included in the Record on Appeal in the above referenced appellate case. I would appreciate your acknowledging receipt of these documents by date-stamping the extra copies of the enclosed and returning them to me in the enclosed envelope.

By copy of this letter, I am serving counsel for Appellants South Carolina Coastal Conservation League, Inc., Elizabeth M. Smith, and Abraham B. Jenkins, Jr, and South Carolina Public Interest Foundation with these documents and have enclosed Proof of Service. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

CHARLESTON COUNTY ATTORNEY'S OFFICE

Johanna S. Gardner

JSG/adt

Enclosures

cc: Mr. W. Andrew Gowder, Jr., Esquire  
Mr. Christopher Kaltman DeScherer, Esquire  
Linda C. McDonald, Esquire  
Robert E. Tyson, Jr., Esquire  
James G. Carpenter, Esquire

RETURN SERVICE  
REQUESTED

FIRST CLASS



U.S. POSTAGE PITNEY BOWES  
ZIP 29405 \$ 002.80<sup>0</sup>  
02 49  
0000351 183 DEC 22 2020



COUNTY OF CHARLESTON  
OFFICE OF THE COUNTY ATTORNEY  
4045 Bridge View Drive, B-314  
North Charleston, S.C. 29405-7461  
Return Service Requested

RECEIVED  
DEC 29 2020  
SC Court of Appeals

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

