

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Maite Murphy, Circuit Court Judge

Appellate Case No. 2020-001387
Case No. 2017-CP-10-5493

RECEIVED
Jan 15 2021
SC Court of Appeals

Shem Creek Development Group, LLC,..... Respondent,

v.

The Town of Mount Pleasant, South Carolina,..... Appellant.

**APPELLANT’S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

The Appellant the Town of Mount Pleasant proposes that the following be included in the Record on Appeal:

1. Order, filed June 26, 2019
2. Order Granting Plaintiff’s Motion to Strike Defendant’s Expert Witness, filed January 8, 2020.
3. Order Denying Defendant’s Motion to Compel Plaintiff to Produce Documents Responsive to Defendant’s Second Request for Production and, in the alternative, Compel the Production of the Same Documents in Response to Defendant’s Subpoena to Related Entity, 101 Coleman Partners, LLC, filed January 22, 2020
4. Final Order filed July 13, 2020

5. Order Denying Defendant's Motions for New Trial and to Reconsider, Alter or Amend Order, filed September 17, 2020
6. Order Awarding Plaintiff Attorney Fees and Costs, filed January 11, 2021
7. Complaint, filed October 23, 2017
8. Answer, filed December 27, 2017
9. Defendant's Notice of Motion and Motion to Compel Plaintiff to Produce Documents Responsive to Defendant's Second Request for Production and, in the Alternative, Compel the Production of the Same Documents in Response to Defendant's Subpoena to Related Entity, 101 Coleman Partners, LLC, with attached exhibit, filed October 22, 2019
10. Defendant's Motion for Reconsideration of Order Denying Defendant's Motion to Compel and Memorandum in Support, with attached exhibits, filed January 30, 2020
11. Motion and Supplemental Memorandum of Defendant for Involuntary Dismissal of Action Under SCRCP 41(B) and Entry of Judgment Under SCRCP 52, filed February 6, 2020
12. Defendant's Motions for New Trial and to Reconsider, Alter or Amend Order, filed July 20, 2020
13. Plaintiff's Response in Opposition to Defendant's Motions for New Trial and to Reconsider, Alter or Amend Order, filed August 4, 2020
14. Affidavit of Attorneys' Fees and Costs, with attached Exhibit (filed August 11, 2020)
15. Defendant's Opposition to Attorney's Fee Award and Objections to Plaintiff's Attorney Fee Affidavit, filed August 24, 2020
16. Objections by Defendant to Plaintiff's Proposed Order Denying Defendant's Motion for New Trial and to Reconsider, Alter or Amend Order, filed September 17, 2020
17. Notice of Filing Affidavit of Attorneys' Fees and Costs, with attached Affidavit and Exhibit, filed September 17, 2020
18. Defendant's Proposed Order
19. Trial Transcript,
pp. 102-397

pp. 422-430
pp. 484-527
pp. 576-613
pp. 665-837

20. Court Exhibit 1
21. Plaintiff's Trial Exhibits 1, 2, 6, 7
22. Defendant's Trial Exhibits 4, 7, 8, 15, 20, 21, 23, 26, 28, 31, 32

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

LINDEMANN & DAVIS, P.A.

BY: s/ Andrew F. Lindemann

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January 15, 2021

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CERTIFICATE OF SERVICE

Pursuant to Section (g)(3) of the Supreme Court's Order Re: Operation of the Trial Courts During the Coronavirus Emergency (as amended May 29, 2020), the undersigned employee of Lindemann & Davis, P.A., counsel for the Appellant, does hereby certify that service of the **Initial Brief of Appellant** and **Appellant's Designation of Matter to be Included in the Record on Appeal** was made upon all counsel of record by email only this the 15th day of January 2021:

E. Brandon Gaskins, Esquire
Moore & Van Allen, PLLC
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s/ Andrew F. Lindemann



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Via Email Only

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Email: ctappfilings@sccourts.org

RE: Shem Creek Development Group, LLC v. The Town of Mount Pleasant, South Carolina
Appellate Case Number: 2020-001387
Civil Action Number: 2017-CP-10-5493
Our File Number: 79.20381

Dear Ms. Kitching:

In accordance with Section (c)(5) of the Supreme Court's Order RE: Operation of the Appellate Courts During the Coronavirus Emergency (as amended May 29, 2020), please find enclosed for filing by email only the **Initial Brief of Appellant** and **Appellant's Designation of Matter to be Included in the Record on Appeal** in the above referenced matter. In accordance with Section (g)(3) of this same order, I am hereby serving copies on all counsel of record by email only. If you have any questions, please advise.

Sincerely,

LINDEMANN & DAVIS, P.A.

Andrew F. Lindemann

AFL/jmb
Enclosures

cc: E. Brandon Gaskins, Esquire (w/ Enclosures, Via Email Only)
David G. Pagliarini, Esquire (w/ Enclosures, Via Email Only)
Claudius O. Tackett, II, Esquire (w/ Enclosures, Via Email Only)