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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Bentley D. Price, Circuit Court Judge

Case No. 2019-CP-10-04387
Appellate Case No. 2021-000051

Applied Building Sciences, Inc. Appellant

vs.

South Carolina Department of Commerce, Division of Public Railways Respondent

**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

Appellant proposes the following to be included in the Record on Appeal:

1. Order Granting Defendant's Motion for Summary Judgment and Denying Plaintiff's Motion for Summary Judgment filed December 18, 2020.
2. Order (Form 4) Denying Appellant's Motion for Reconsideration filed December 22, 2020.
3. Form 4 Order Granting Defendant's Motion for Summary Judgment October 22, 2020..
4. Plaintiff's Motion for Reconsideration October 27, 2020.
5. Defendant's Motion for Summary Judgment January 31, 2020.
6. Plaintiff's Motion for Summary Judgment and Memorandum in Support February 24, 2020.

7. Defendant's Memorandum In Opposition to Plaintiff's Motion for Summary Judgment and in Support of Defendant's Motion for Summary Judgment June 12, 2020.
8. Plaintiff's Response to Defendant's Motion for Summary Judgment June 17, 2020.
9. Affidavit of Alan O. Campbell June 17, 2020.
10. Transcript of Record June 18, 2020.
11. Letter from Karen Manning (South Carolina Department of Commerce) to Gene M. Connell, Jr. July 23, 2019.
12. Release June 4, 2019 (*South Carolina Department of Commerce, Division of Public Railways v. Hibernian Heights, LLC and Applied Building Sciences, Inc.*; C/A No. 2019 2017-CP-10-3029).

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

KELAHER, CONNELL & CONNOR, P.A.



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Attorney for Appellant

March 15, 2021
Surfside Beach, South Carolina

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Applied Building Sciences, Inc. Appellant

vs.

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PROOF OF SERVICE

PERSONALLY appeared before me, Shelia Y. McCumbee, who being duly sworn, deposes and says that she is an employee of Kelaher, Connell & Connor, P.C., and that she has served a copy of the Appellant's Designation of Matter on the 15th day of March, 2021, by depositing a copy of same in the United States Mail, postage prepaid, to:

David L. Paavola, Esquire
Keith M. Babcock, Esquire
Lewis Babcock L.L.P.
P. O. Box 11208
Columbia, SC 29211

Shelia Y. McCumbee
Shelia Y. McCumbee

SWORN AND SUBSCRIBED before me,
this 15th day of March, 2021.

Donna H. Hand
Notary Public for South Carolina
My Commission Expires: 3-28-26

KELAHER, CONNELL & CONNOR, P.C.

ATTORNEYS AT LAW

SUITE 209

THE COURTYARD

1500 U.S. HIGHWAY 17 NORTH

P.O. DRAWER 14547

SURFSIDE BEACH, SOUTH CAROLINA 29587

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EDWARD T. KELAHER*
GENE M. CONNELL, JR.
L. SIDNEY CONNOR, IV
LISA POE DAVIS
*OF COUNSEL

AREA CODE 843
238-5648
FAX: 238-5050

March 15, 2021

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

Re: Appellate Case No. 2021-000051
*Applied Building Sciences, Inc. v. South Carolina Department of Commerce, a
Division of Public Railways*
C/A No. 2019-CP-10-04387
Our File No. 2019-0378C

Dear Ms. Kitchings:

Enclosed please find the following for filing in the above-captioned matter:

- (1) Original and one copy of Initial Brief of Appellant, with Proof of Service;
- (2) Original and one copy of Appellant's Designation of Matter to be Included in Record on Appeal, with Proof of Service.

Please be so kind as to return a filed copy of the Proof of Service of each document in the self-addressed, stamped envelope provided for your convenience.

By copy of this letter, we hereby serve a copy of the above-stated documents on Respondent through counsel of record.

Sincerely yours,

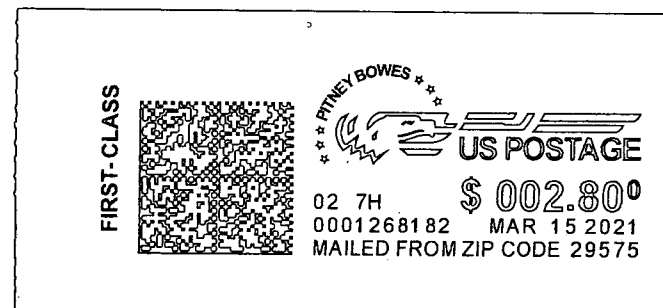

Gene M. Connell, Jr.

GMCJr:sm
Enclosures

cc w/enc.: David L. Paavola, Esquire
Keith M. Babcock, Esquire

KELAHER, CONNELL & CONNOR, PC

Attorneys at Law
Post Office Drawer 14547
Surfside Beach, SC 29587



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