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Apr 06 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Case No.: 2017-CP-10-4820 (Consolidated Case Number)

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2017-CP-10-4903	
2017-CP-10-4904	
2017-CP-10-4905	

Appellate Case Number: 2021-000053

SARAH SHARPER, ET AL..... Appellants,

v.

CITY OF NORTH CHARLESTON, COUNTY OF CHARLESTON,
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SOUTH
CAROLINA DEPARTMENT OF TRANSPORTATION, BANKS
CONSTRUCTION COMPANY, UNITED CONTRACTORS, INC,
BANKS/UNITED JOINT VENTURE AND HLA, INC, COLEMAN-SNOW
CONSULTANTS, LLC AND ICA ENGINEERING, INC. F/K/A FLORENCE &
HUTCHESON, INC.....Respondents.

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

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

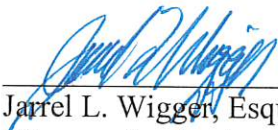
1. B & B Liquors, Inc. v. O'Neil, 361 S.C. 267, 270 S.E.2d 629, 631 (Ct.App.2004);
2. Baughman v. American Tel. and Tel., Co., 306 S.C. 101, 410 S.E.2d 537 (S.C. 1990);
3. Baugus v. Wessinger, 303 S.C. 412, 401 S.E.2d 169 (1991);
4. Cel Products LLC v. Rozelle, 357 S.C. 125, 591 S.E.2d 643 (S.C. App. 2004);
5. Doe v. Batson, 338 S.C. 291, 525 S.E.2d 909 (S.C. App. 1999);
6. Downey v. Dixon, 294 S.C. 42, 46, 362 S.E.2d 317, 319 (Ct.App. 1987);
7. Froneberger v. Kirkland Dale Smith, Janel Elizabeth Smith, Euro Mortg. Bankers, Inc.,
406 S.C. 37, 748 S.E.2d 625 (S.C. App. 2013);
8. Hancock v. Mid-South Mgmt. Co., Inc., 381 S.C. 326, 330, 673 S.E.2d 801, 803 (2009);
9. Knox v. Greenville Hosp. Sys., 362 S.C. 566, 569-70, 608 S.E.2d 459, 461 (Ct.App.
2005);
10. Russell v. Wachovia Bank, N.A., 353 S.C. 208, 217, 578 S.E.2d 329, 334 (2003);
11. S.C. Code §5-31-450;
12. Scott v. Greenville Hous. Auth., 353 S.C. 639, 652, 579 S.E.2d 151, 158 (Ct.App.2003);
13. Smith v. Jones (In re Estate of Smith), 419 S.C. 111, 796 D.E.2d 158 (S.C. App. 2016);
14. S.C.R.C.P. 56(c); and
15. Tupper v. Dorchester County, 326 S.E. 318, 487 S.E.2d 187 (1997).

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

[SIGNATURE BLOCK ON FOLLOWING PAGE]

Respectfully submitted,

WIGGER LAW FIRM, INC.



Jarrel L. Wigger, Esquire
Attorney for the Appellant
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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SOUTH
CAROLINA DEPARTMENT OF TRANSPORTATION, BANKS
CONSTRUCTION COMPANY, UNITED CONTRACTORS, INC,
BANKS/UNITED JOINT VENTURE AND HLA, INC, COLEMAN-SNOW
CONSULTANTS, LLC AND ICA ENGINEERING, INC. F/K/A FLORENCE &
HUTCHESON, INC.....Respondents.

PROOF OF SERVICE

I certify that I have served a copy of the **Initial Brief and Designation of Matter** on Defendant City of North Charleston, by depositing a copy of it in the United States Mail, postage prepaid, on April 6, 2021, addressed to their attorney of record Phillip S. Ferderigos at Barnwell Whaley Patterson & Helms, LLC at 288 Meeting Street, Suite 200 (29401) P.O. Drawer H Charleston, South Carolina 29402.

April 6, 2021



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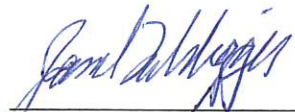
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CITY OF NORTH CHARLESTON, COUNTY OF CHARLESTON,
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CONSTRUCTION COMPANY, UNITED CONTRACTORS, INC,
BANKS/UNITED JOINT VENTURE AND HLA, INC, COLEMAN-SNOW
CONSULTANTS, LLC AND ICA ENGINEERING, INC. F/K/A FLORENCE &
HUTCHESON, INC.....Respondents.

PROOF OF SERVICE

I certify that I have served a copy of the **Initial Brief and Designation of Matter** on Defendant County of Charleston, by depositing a copy of it in the United States Mail, postage prepaid, on April 6, 2021, addressed to their attorneys of record Amanda Maybank and Roy Maybank with Maybank Law Firm and Catherine H. Chase and Duke R. Highfield with Young Clement Rivers, LLP.

April 6, 2021



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CONSULTANTS, LLC AND ICA ENGINEERING, INC. F/K/A FLORENCE &
HUTCHESON, INC.....Respondents.

PROOF OF SERVICE

I certify that I have served a copy of the **Initial Brief and Designation of Matter** on Defendants DHEC AND SCDOT, by depositing a copy of it in the United States Mail, postage prepaid, on April 6, 2021, addressed to their attorneys of record Jonathan J. Anderson and Cole Lawrimore at Anderson, Reynolds & Stephens, LLC.

April 6, 2021



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Attorney for Appellants

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HUTCHESON, INC.....Respondents.

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I certify that I have served a copy of the **Initial Brief and Designation of Matter** on Defendants BANKS CONSTRUCTION COMPANY, UNITED CONTRACTORS, INC, BANKS/UNITED JOINT VENTURE, by depositing a copy of it in the United States Mail, postage prepaid, on April 6, 2021, addressed to their attorneys of record John H. Tiller and Elliott Condon at Haynsworth Sinkler Boyd, P.A.

April 6, 2021



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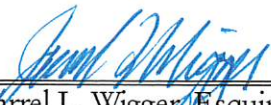
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I certify that I have served a copy of the **Initial Brief and Designation of Matter** on Defendant HLA, Inc., by depositing a copy of it in the United States Mail, postage prepaid, on April 6, 2021, addressed to their attorneys of record Robert Lyles, Jr. at 1037 Chuck Dawley Blvd., Suite G-100 Mt. Pleasant, SC 29464 and Rose Beth Grossman Smith at 201 Smythe Street, Suite 131 Greenville, SC 29611.

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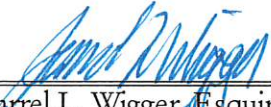
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I certify that I have served a copy of the **Initial Brief and Designation of Matter** on Third-Party Defendant Coleman Snow Consultants, LLC, by depositing a copy of it in the United States Mail, postage prepaid, on April 6, 2021, addressed to their attorney of record Franklin J. Walsh, Jr. at P.O. Drawer 7788 Columbia, SC 29202.

April 6, 2021



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I certify that I have served a copy of the **Initial Brief and Designation of Matter** on Defendant ICA ENGINEERING, INC. F/K/A FLORENCE & HUTCHESON, INC, by depositing a copy of it in the United States Mail, postage prepaid, on April 6, 2021, addressed to their attorneys of record Courtney E. Walsh and Jonathan Knicely at Nelson Mullins.

April 6, 2021



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Wigger Law Firm, Inc.

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*Board Certified Civil Trial Specialist
By National Board of Trial Advocacy

April 6, 2021

VIA REGULAR MAIL

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

RE: SARAH SHARPER, ET AL V. CITY OF NORTH CHARLESTON, COUNTY OF CHARLESTON, DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION, BANKS CONSTRUCTION COMPANY, UNITED CONTRACTORS, INC, BANKS/UNITED JOINT VENTURE AND HLA, INC, COLEMAN-SNOW CONSULTANTS, LLC AND ICA ENGINEERING, INC. F/K/A FLORENCE & HUTCHESON, INC

Consolidated Case No.: 2017-CP-10-4820

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Dear South Carolina Court of Appeals:

Enclosed you will find an original and one copy of the following documents:

1. Initial Brief;
2. Designation of Matter; and
3. Proof of Services to Defendants for service of Initial Brief and Designation of Matter.

I would appreciate you filing the originals and returning the filed copy of each to me in the self-addressed stamped envelope provided.

With kindest regards, I am

Yours Very Truly,



Rebecca Powell
Paralegal to Jarrel L. Wigger, Esq.

JLW/rbp
Enclosures

cc:

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Charleston, South Carolina 29407
ikeithmccarthy@gmail.com
Co-Counsel for Appellants

Jonathan J. Anderson
Cole Lawrimore
Anderson, Reynolds & Stephens, LLC
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ATTORNEYS FOR DHEC and SCDOT

John H. Tiller
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ATTORNEYS FOR DEFENDANTS BANKS CONSTRUCTION COMPANY,
UNITED CONTRACTORS, INC. AND BANKS/UNITED JOINT VENTURE

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ATTORNEY FOR CITY OF NORTH CHARLESTON

Amanda Maybank
Roy Maybank

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P.O. Box 12579
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AND

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ATTORNEYS FOR DEFENDANT COUNTY OF CHARLESTON

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AND

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ATTORNEYS FOR ICA ENGINEERING, INC., f/k/a FLORENCE & HUTCHINSON, INC.