

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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**RECEIVED**  
**Apr 05 2021**  
SC Court of Appeals

APPEAL FROM Horry COUNTY  
Court Of Common Pleas

The Honorable R. Markley Dennis, Jr, Circuit Court Judge  
Trial Court Case No. 2018CP2600120

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Appellate Case No. 2021-000078

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East Cherry Grove Co., LLC and Ray & Nixon, LLC, ..... Respondents,

v.

State of South Carolina, South Carolina Department of Health and Environmental Control, and  
Matt Leonhard, ..... Defendants,

Of whom The State of South Carolina is the Appellant

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**DESIGNATION OF MATTERS FOR RECORD OF  
APPELLANT STATE OF SOUTH CAROLINA**

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Pursuant to Rule 209, SCACR, the Appellant State of South Carolina designates the  
following matter for the Record on Appeal:

Complaint including Ex. 3 to Complaint  
State's Answer  
Order of Dismissal of DHEC  
Order of December 5, 2019  
Transcript of Trial August 25, 2020, Cover, pp. 1-4; (52, ll 9 -21; p. 64, ll. 15-20; p. 66, l. –  
p. 71, l. 24; p. 72, ll. 14 – 17; p. 73, l. 5 – p. 74, l. 7; 77, l. 15 – p. 97, l. 10; p. 114, l. 5 – p.  
115, l. 18  
Motion to Alter or Amend  
Reply to Return to Motion to Alter or Amend  
Order, October 28, 2020  
Amended Order, December 21, 2020  
State's Exhibits 1-12, 18, and reduced and enlarged versions of Ex. 25.  
Plaintiff's Exhibits 1 - 4, 6, 9, 12 and 18

Respectfully submitted,

/s J. EMORY SMITH, JR.

S.C. Bar No. 5262

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ATTORNEYS FOR APPELLANT

STATE OF SOUTH CAROLINA

April 5, 2021

CERTIFICATE OF COMPLIANCE WITH RULE 209(c), SCACR

I certify that the foregoing Designation contains no matter which is irrelevant to the appeal.

/s J. EMORY SMITH, JR..

Deputy Solicitor General

April 5, 2021