

**RECEIVED**

**May 13 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

The Honorable Edgar W. Dickson

---

Case No. 2018-CP-18-01505

Appellant Case No. 2021-000177

---

Summerville Retail Investment, LLC., .....Appellant,

v.

Montebello JTA Group, LLC.....Respondent.

---

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

---

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

**ORDERS**

1. Order Denying Motion to Dismiss, October 31, 2019;
2. Order Denying Motion to Dismiss and Dismissing Dorchester County and Cindy Chitty, January 28, 2020;
3. Order Denying Consent Scheduling Order, Jan. 29, 2020;
4. Consent Scheduling Order, Feb. 17, 2020;
5. Consent Amended Scheduling Order, June 1, 2020;
6. Order Granting Summary Judgment, February 1, 2021; and
7. Form 4 Denying Motion to Reconsider, February 8, 2021.

**MOTIONS**

1. Montebello JTA Group LLC’s Motion to Dismiss, December 13, 2018;

2. Montebello JTA Group LLC's Memorandum in Support of its Motion to Dismiss, December 13, 2018;
3. Montebello JTA Group LLC's Motion to Amend Order, November 5, 2019;
4. Summerville Retail Investment, LLC 's Motion for Summary Judgment, January 3, 2020;
5. Montebello' JTA Group LLC's Memorandum in Opposition to Plaintiff's Motion for Summary Judgment, January 8, 2020;
6. Montebello JTA's Group LLC's Motion for Summary Judgment, August 18, 2020;
7. Summerville Retail Investment, LLC's Motion to Reconsider, February 2, 2021; and
8. Montebello JTA Group LLC's Memorandum in Opposition to Plaintiff's Motion to Reconsider, February 4, 2021.

## **PLEADINGS**

1. Summerville Retail Investment, LLC's Summons and Complaint, August 24, 2018;
2. Dorchester Co. and Cindy Chitty's Answer, Counterclaim and Crossclaim, September 27, 2018;
3. Montebello JTA Group LLC's Answer and Counterclaim, October 10, 2018;
4. Summerville Retail Investment, LLC's Reply to Dorchester Co. and Cindy Chitty's Answer, Counterclaim and Crossclaim, October 22, 2018;
4. Summerville Retail Investment, LLC's Reply to Montebello JTA's Answer and Counterclaim, November 9, 2018;
5. Consent Motion for an Order of Protection and for a Status Conference and to Set a Trial Date Certain, January 23, 2019; and
6. Summerville Retail Investment, LLC's Notice of Appeal, February 16, 2021.

## **TRANSCRIPTS**

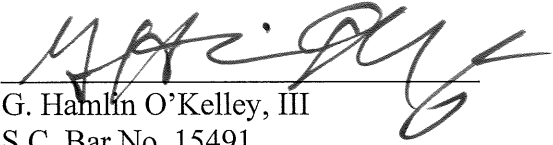
1. Transcript of Hearing, January 19, 2021.

## **EXHIBITS**

1. Check payment from Summerville Retail Investment, LLC for Impact Fee to Dorchester County October 31, 2016;
2. Limited Warranty Deed recorded January 26, 2017;
3. Check Refund for Impact Fee to Montebello JTA Group, LLC, September 27, 2017;
4. Summerville Retail Investment's letter to County Defendants for return of Funds, June 22, 2018;
5. Summerville Retail Investment's letter to Montebello JTA Group, LLC, August 16, 2018; and
6. Montebello JTA Group, LLC's member, Thomas Young, email to Appellant, May 2, 2018.

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

Respectfully submitted,



G. Hamlin O'Kelley, III  
S.C. Bar No. 15491  
Buist, Byars & Taylor, LLC  
652 Coleman Blvd., Suite 200  
Mt. Pleasant, SC 29464  
(843) 856-4488  
*Attorneys for the Appellant*

Mt. Pleasant, South Carolina  
May 13, 2021

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

The Honorable Edgar W. Dickson

---

**RECEIVED**  
**May 13 2021**  
**SC Court of Appeals**

Case No. 2018-CP-18-01505

Appellant Case No. 2021-000177

---

Summerville Retail Investment, LLC., .....Appellant,

v.

Montebello JTA Group, LLC.....Respondent.

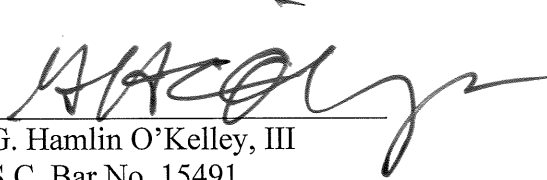
---

PROOF OF SERVICE

---

I certify that I have served the Appellant's Initial Brief and Designation of Matters to be Included in the Record on Appeal by depositing a copy of same addressed to Erik P. Doerring, Esq. via Email to EDoerring@burr.com, and via US Mail to McNair Law Firm, PA, PO Box 11390, Columbia, SC 29211.

May 13, 2021

  
G. Hamlin O'Kelley, III  
S.C. Bar No. 15491  
Buist, Byars & Taylor, LLC  
652 Coleman Blvd., Suite 200  
Mt. Pleasant, SC 29464  
(843) 856-4488  
*Attorneys for the Appellant*

May 13, 2021

**RECEIVED**  
**May 13 2021**  
**SC Court of Appeals**

VIA EMAIL: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29211

Re: *Summerville Retail Investment, LLC v Dorchester County et al.*,  
C/A. No.: 2018-CP-18-1505  
Appellant Case No. 2021-000177  
Our File No.: 1476.0001

Dear Ms. Kitchings:

Enclosed for filing please find a copy of the following in the above-referenced matter:

1. Appellant's Initial Brief;
2. Appellant's Designation of Matter to be Included in the Record on Appeal; and
3. Proof of Service.

Please file the originals and return file-stamped copies to me. By copy of this letter, I am serving same upon all counsel. Should you have any questions, please feel free to contact me. With kindest regards, I remain

Yours very truly,

  
G. Hamlin O'Kelley, III

GHOIII/act

Cc: (via Email and US Mail)  
Erik P. Doerring, Esq. (EDoerring@burr.com)