

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

The Honorable R. Markley Dennis, Jr., Circuit Court Judge  
Case No. 2018-CP-26-00120

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Appellate Case No. 2021-000078

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

vs.

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

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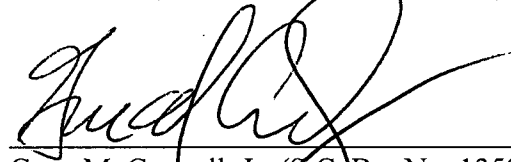
Respondent proposes the following to be included in the Record on Appeal:

1. Amended Final Order December 21, 2020
2. Final Order October 28, 2020
3. Defendant's Motion to Alter or Amend November 6, 2020
4. Plaintiff's Response to Defendant's Motion to Alter or Amend November 10, 2020
5. Defendant's Reply to Plaintiff's Response November 23, 2020
6. Transcript August 25, 2020 including Plaintiffs' Exhibits 1-23 and Defendant's Exhibit 25
7. Transcript December 18, 2020
8. Order Denying Summary Judgment December 5, 2019

9. Final Order of Judge Hyman 6-25-15 (*East Cherry Grove Realty Co., LLC v. State of South Carolina and South Carolina Department of Health and Environmental Control*; C/A No. 2014-CP-26-1412))
10. Consent Order of Dismissal of DHEC April 23, 2018
11. Plaintiffs' Complaint January 10, 2018
12. Plaintiffs' Exhibit List August 24, 2020

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

KELAHER, CONNELL & CONNOR, P.A.



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Gene M. Connell, Jr. (S.C. Bar No. 1358)  
The Courtyard, Suite 209  
1500 U. S. Highway 17 North  
Post Office Drawer 14547  
Surfside Beach, South Carolina 29587-4547  
(843) 238-5648 (phone)  
(843) 238-5050 (facsimile)  
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**Attorney for Respondents**

June 25, 2021  
Surfside Beach, South Carolina

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IN THE COURT OF APPEALS

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Court of Common Pleas

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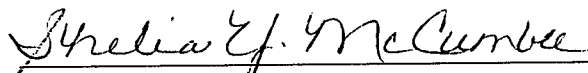
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**PROOF OF SERVICE**


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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 **Respondents Designation of Matter** on the Appellant on the 25<sup>st</sup> day of June, 2021, by depositing a copy of same in the United States Mail, postage prepaid, to:

J. Emory Smith, Jr., Deputy Solicitor General  
Alan Wilson, Attorney General  
Robert D. Cook, Solicitor General  
Post Office Box 11549  
Columbia, SC 29211

  
Shelia Y. McCumbee

**SWORN AND SUBSCRIBED** before me,  
this 25<sup>th</sup> day of June, 2021.

  
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

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

AREA CODE 843  
238-5648  
FAX: 238-5050

June 25, 2021

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

**RECEIVED**  
JUN 28 2021  
SC Court of Appeals

Re: Appellate Case No. 2021-000078  
*East Cherry Grove Realty Co., LLC; and Ray & Nixon, LLC v. State of South Carolina;*  
*South Carolina Department of Health and Environmental Control; and Matt Leonhard*  
C/A No. 2018-CP-26-00120  
Our File No. 2017-0321C

Dear Ms. Kitchings:


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

- (1) Original and one copy of Initial Brief of Respondents, with Proof of Service;
- (2) Original and one copy of Respondents' 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 these documents on Appellant through counsel of record.

Sincerely yours,

  
Gene M. Connell, Jr.

GMCJr:sm  
Enclosures

cc: J. Emory Smith, Jr., Esquire  
Alan M. Wilson, Esquire  
Robert D. Cook, Esquire

KELAHER, CONNELL & CONNOR, PC

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



RECEIVED  
JUN 28 2021  
SC Court of Appeals

*Kelahr, Connell & Connor, PC*  
1500 US HIGHWAY 17 NORTH, SUITE 209  
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**To**  
Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211