

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM CHARLESTON COUNTY  
Maite Murphy, Circuit Court Judge

---

Appellate Case No.: 2021-000501  
Case No.: 2017-CP-10-5493

---

Shem Creek Development Group, LLC.....Respondent,

v.

The Town of Mount Pleasant, South Carolina .....Appellant.

---

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

---

Respondent Shem Creek Development Group, LLC designates the following to  
be included in the Record on Appeal:

1. Complaint, filed October 23, 2017;
2. Plaintiff's Trial Exhibit 7;
3. Order for Case Assignment to the Business Court Pilot Program, filed March 7, 2018;
4. Final Order, filed July 13, 2020;
5. Defendant's Motions for New Trial and to Reconsider, Alter or Amend Order, filed July 20, 2020;
6. Consent Post-Trial Scheduling Order, filed July 22, 2020;
7. Plaintiff's Affidavit of Attorneys' Fees and Costs, with attached exhibit, filed August 11, 2020;

8. Defendant's Opposition to Attorney Fee Award and Objections to Plaintiff's Attorney Fee Affidavit, filed August 24, 2020;
9. Plaintiff's Supplemental Affidavit of Attorneys' Fees and Costs, with attached exhibits, filed September 17, 2020;
10. Notice of Filing Affidavit of Attorneys' Fees and Costs with G. Hamlin O'Kelley, III's Affidavit of Attorneys' Fees and Costs, with attached exhibit, filed September 17, 2020;
11. Order Denying Defendant's Motions for New Trial and to Reconsider, Alter or Amend Order, filed September 17, 2020;
12. Notice of Appeal, filed October 16, 2020;
13. Order Awarding Plaintiff Attorney Fees and Costs, filed January 11, 2021;
14. Defendant's Notice of Motion and Motion to Vacate or Otherwise Alter or Amend Order filed January 21, 2021;
15. Plaintiff's Response in Opposition to Defendant's Motion to Vacate or Otherwise Alter or Amend Order, filed January 29, 2021;
16. Form 4 Order, filed April 12, 2021;
17. Notice of Appeal, filed May 12, 2021.

Respondent certifies that this designation contains no matter which is irrelevant to this appeal.

*s/E. Brandon Gaskins*  
E. Brandon Gaskins (S.C. Bar No. 73274)  
Moore & Van Allen PLLC  
78 Wentworth Street  
Charleston, SC 29401  
Telephone: (843) 579-7000  
Facsimile: (843) 579-7099  
[brandongaskins@mvalaw.com](mailto:brandongaskins@mvalaw.com)

*Attorney for Respondent  
Shem Creek Development Group, LLC*

September 10, 2021  
Charleston, South Carolina

RECEIVED

Sep 10 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM CHARLESTON COUNTY  
Maite Murphy, Circuit Court Judge

---

Appellate Case No.: 2021-000501  
Case No.: 2017-CP-10-5493

---

Shem Creek Development Group, LLC.....Respondent,

v.

The Town of Mount Pleasant, South Carolina .....Appellant.

---

**PROOF OF SERVICE**

---

This is to certify that I have this day served counsel for the Appellant in the foregoing matter with a copy of the *Initial Brief of Respondent* and *Designation of Matter to be Included in the Record on Appeal* via electronic mail only, addressed as follows:

Andrew F. Lindemann  
Lindemann & Davis, P.A.  
5 Calendar Court, Suite 202  
P.O. Box 6923  
Columbia, SC 29260  
[andrew@ldlawsc.com](mailto:andrew@ldlawsc.com)

and

Claudius O. Tackett, II  
Claude Tackett Law Firm, LLC  
P.O. Box 429  
Mount Pleasant, SC 29465  
[claudetackett@claudetackettllc.com](mailto:claudetackett@claudetackettllc.com)

and

David Pagliarini  
Corporation Counsel  
Town of Mount Pleasant  
100 Ann Edwards Lane  
Mount Pleasant, SC 29465  
[dpagliarini@tompnc.com](mailto:dpagliarini@tompnc.com)

*Attorneys for Appellant  
Town of Mount Pleasant, South Carolina*

*s/E. Brandon Gaskins*  
E. Brandon Gaskins (S.C. Bar No. 73274)  
Moore & Van Allen PLLC  
78 Wentworth Street  
Charleston, SC 29401  
Telephone: (843) 579-7000  
Facsimile: (843) 579-7099  
[brandongaskins@mvalaw.com](mailto:brandongaskins@mvalaw.com)

*Attorney for Respondent  
Shem Creek Development Group, LLC*

September 10, 2021  
Charleston, South Carolina

September 10, 2021

**RECEIVED**

**Sep 10 2021**

**Moore & Van Allen**

**SC Court of Appeals**

**VIA EMAIL ONLY**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Email: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

**E. Brandon Gaskins**  
Attorney at Law

T 843 579 7038  
F 843 579 8738  
[brandongaskins@mvalaw.com](mailto:brandongaskins@mvalaw.com)

Moore & Van Allen PLLC

**Re: Shem Creek Development Group, LLC v. The Town of Mount Pleasant, South Carolina**  
**Appellate Case No.: 2021-000501**  
**Civil Action No.: 2017-CP-10-05493**  
**MVA File No.: 043920.000001**

78 Wentworth Street  
Charleston, SC 29401-1428

Mailing Address:  
Post Office Box 22828  
Charleston, SC 29413-2828

Dear Ms. Kitchings:

With regard to the above-referenced matter, please accept the enclosed for filing:

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

By copy of this letter, I am serving Appellant's attorneys with a copy of the Initial Brief of Respondent and Designation of Matter to be Included in the Record on Appeal.

Thank you for your assistance with this matter. If you have any questions or concerns, please don't hesitate to contact me.

Sincerely,



E. Brandon Gaskins

EBG/lp

Enclosure: As stated.

cc: **VIA EMAIL ONLY**  
Andrew F. Lindemann, Esquire  
David G. Pagliarini, Esquire  
Claudius O. Tackett, II, Esquire

Charlotte, NC  
Charleston, SC