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Nov 17 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM HORRY COUNTY

Court of Common Pleas

Honorable Benjamin H. Culbertson,

Circuit Court Judge

Appellate Case No. 2021-000393

South Carolina Electric & Gas Company, Inc., Respondent,

v.

Barbara Todd, Landowner, and Public Service Authority; Pitch Landing, LLC; and David O. Heniford, Jr., Other Condemnees, of which Pitch Landing, LLC is the Appellant.

AND

South Carolina Electric & Gas Company, Inc., Respondent, v. Pitch Landing, LLC, Landowner, Appellant, and South Carolina Public Authority; Horry Telephone Cooperative; Grand Strand Water and Sewer Authority; Coastal Carolina National Bank; Billy J. McDowell & Sally R. McDowell; Bobby D. McDowell, Other Condemnees.

RESPONDENT'S DESIGNATION OF MATTER

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

1. Case Summary in *South Carolina Electric & Gas Company vs. Barbara A. Todd*, Civil Action No.: 2018-CP-26-06064
2. Pleadings in *South Carolina Electric & Gas Company vs. Barbara A. Todd*, Civil Action No.: 2018-CP-26-06064
 - a. Summons and Complaint dated October 29, 2018.
 - b. Lis Pendens dated October 29, 2018.
 - c. Notice of Filing dated October 29, 2018.
 - d. Notice Pursuant to S.C. Ann. § 28-2-90 (Supp. 2010) dated October 30, 2018.
 - e. Answer of Pitch Landing, LLC dated December 24, 2018.
 - f. Consent Order of Dismissal as to Barbara Todd dated May 29, 2019.
 - g. Return of Tender dated June 10, 2019.
 - h. Notice of Dismissal dated July 25, 2019.
 - i. Release of Lis Pendens dated July 25, 2019.
 - j. Motion to Restore Case to Docket dated September 3, 2020.
 - k. Condemnor's Memorandum in Response to Pitch Landing's Motion to Restore dated February 26, 2021.
 - l. Form 4 Order Granting Motion to Restore dated March 3, 2021.
 - m. Motion to Reconsider, Alter and/or Amend dated March 15, 2021 and Exhibits.
 - n. Form 4 Order Denying Motion to Reconsider, Alter and/or Amend dated March 15, 2021.
3. Case Summary in *South Carolina Electric & Gas Company vs. Pitch Landing, LLC*, Civil Action No.: 2018-CP-26-06424
4. Pleadings in *South Carolina Electric & Gas Company vs. Pitch Landing, LLC*, Civil Action No.: 2018-CP-26-06424
 - a. Summons and Complaint dated November 14, 2018 and Exhibits
 - b. Lis Pendens dated November 14, 2018
 - c. Notice of Filing dated November 14, 2018
 - d. Notice Pursuant to S.C. Ann. § 28-2-90 (Supp. 2010) dated November 16, 2018
 - e. Affidavit of Service dated December 6, 2018
 - f. Answer of Pitch Landing, LLC dated December 24, 2018
 - g. Notice of ADR dated June 11, 2019
 - h. Motion to Consolidate Cases dated September 4, 2020
 - i. Form 4 Order Denying Motion to Consolidate Cases dated March 3, 2021
 - j. Motion to Reconsider, Alter and/or Amend and dated March 15, 2021 and Exhibits
 - k. Form 4 Order Denying Motion to Reconsider, Alter and/or Amend dated March 17, 2021.

5. Transcript of Record dated March 1, 2021.

I, Gregory M. Alford, Counsel for the Respondent South Carolina Electric and Gas Company, n/k/a Dominion Energy South Carolina, hereby certify pursuant to Rule 209(c) that this Designation contains no matter which is irrelevant to the appeal.

S/Gregory M. Alford
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O. Heniford, Jr., Other Condemnees, of which Pitch Landing, LLC is the Appellant.

AND

South Carolina Electric & Gas Company, Respondent, v. Pitch Landing, LLC,

Landowner, Appellant, and South Carolina Public Authority; Horry Telephone

Cooperative; Grand Strand Water and Sewer Authority; Coastal Carolina National Bank;

Billy J. McDowell & Sally R. McDowell; Bobby D. McDowell, Other Condemnees.

PROOF OF SERVICE

I certify that I have served Respondent's Initial Brief and Respondent's Designation of Matter to be Included in the Record on Appeal by depositing a copy of it in the United States mail, postage prepaid, on November 17, 2021, addressed to its attorney of record, Robert S. Shelton, Bellamy Rutenberg, Copeland, Epps, Gravely & Bowers, P.A., Post Office Box 357, Myrtle Beach, SC 29578 and Mark D. Neill, Neill Law Firm, P.A., P.O. Box 2810, Murrells Inlet, SC 29576.

ALFORD LAW FIRM, LLC

s/Gregory M. Alford
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*Attorney for Respondent Dominion Energy
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*Also member Georgia Bar

† Of Counsel

(NOT FOR CONFIDENTIAL COMMUNICATIONS)

November 17, 2021

VIA U.S. MAIL

Mr. Robert S. Shelton

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Murrells Inlet, SC 29576

**Re: Dominion Energy South Carolina, Inc. f/k/a South Carolina Electric & Gas Company v. Barbara Todd
and
Dominion Energy South Carolina, Inc. f/k/a South Carolina Electric & Gas Company v. Pitch Landing, LLC, et al
Appellate Case No.: 2021-000393**


Dear Mr. Shelton & Mr. Neill:

Please find enclosed Respondent's Initial Brief and Respondent's Designation of Matter to be Included in the Record on Appeal regarding the above referenced matter, which is hereby served upon pursuant to the enclosed Proof of Service.

With kindest regards, I remain

Sincerely,

ALFORD LAW FIRM, LLC



Gregory M. Alford

GMA/vka

Enclosures