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**Dec 02 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
Mikell R. Scarborough, Master-In-Equity

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Appellate Case No. 2022-001165

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Michael D. Royal, Appellant,

v.

Free Kindergarten Association of Charleston, Respondent,

The Attorney General of the State of South Carolina and  
The Charleston County School District, Intervenors/Respondents.

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

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Appellant Michael D. Royal ("Royal") proposes that the following be included in the Record on Appeal:

1. July 18, 2022 Order Denying Royal's Motion to Reconsider
2. July 18, 2022 Order Regarding Charleston County School District's ("CCSD") Motion to Exclude and Strike
3. March 31, 2022 Order (making findings of fact and conclusions of law from trial)
4. February 22, 2021 Order Appointing Receiver for Free Kindergarten Association of Charleston ("FKAC")
5. August 22, 2019 Order Granting CCSD's Motion to Intervene
6. July 10, 2019 Order Granting Motion of the Attorney General of the State of South Carolina ("AG") to Intervene
7. June 7, 2019 Form Order Granting the AG's and CCSD's Motions to Intervene

8. Royal's Complaint filed December 4, 2018
9. Exhibits C-E, G, L to Complaint
10. FKAC's Answer and Counterclaim filed January 4, 2019
11. Exhibit A to FKAC's Answer and Counterclaim
12. CCSD's Answer, Counterclaim, Crossclaim and Request for Declaratory Judgment filed June 24, 2019
13. FKAC's Reply to CCSD's Cross-Claim filed July 1, 2019
14. AG's Answer to Complaint filed July 25, 2019
15. AG's Answer/Reply to CCSD's Request for Declaratory Judgment filed July 25, 2019
16. Record of the December 15, 2021 Non-Jury Trial Proceedings
  - a. Transcript of Trial
  - b. AG's Exhibit 1
  - c. Plaintiff's Robinson Exhibit 1 (identified as Plaintiff's Exhibit #1 in transcript)
  - d. Plaintiff's Exhibits 1 (identified as Plaintiff's Exhibit #1A in transcript), 2-4, 8-16, 28-29, 29A, 31-32, 38, 46-47, 54-56, 58-63, 66, 67, 69, 78-80, 82-88, 91-94
  - e. AG's December 8, 2021 Pre-Trial Brief and Memorandum of Law
  - f. Exhibits A-B, D-G to the AG's December 8, 2021 Memorandum of Law
  - g. CCSD's December 13, 2021 Pre-Trial Brief
  - h. Exhibits 4, 8-11 to Royal's December 8, 2021 Pre-Trial Brief
17. Record of the June 4, 2019 Proceedings on the AG's and CCSD's Motions to Intervene
  - i. Transcript of June 4, 2019 Hearing on the AG's and CCSD's Motions to Intervene
  - j. AG's January 28, 2019 Motion to Intervene and Memorandum in Support
  - k. CCSD's February 7, 2019 Motion to Intervene and May 29, 2019 Memorandum in Support
18. Royal's December 14, 2021 Memorandum in Opposition to CCSD's Motion in Limine

19. FKAC's January 29, 2021 Motion to Appoint a Receiver

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

s/Evan P. Williams

Jeffrey S. Tibbals S.C. Bar No. 72628  
jst@bybeetibbals.com

Evan P. Williams S.C. Bar No. 101981  
ewilliams@bybeetibbals.com

BYBEE & TIBBALS, LLC

735 Johnnie Dodds Blvd., Suite 104

Mt. Pleasant, South Carolina 29464

P.O. Box 1542 (29465)

Telephone: 843.881.1623

*Counsel for Appellant Michael D. Royal*

December 2, 2022

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Free Kindergarten Association of Charleston, Respondent,

The Attorney General of the State of South Carolina and  
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**PROOF OF SERVICE**

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I certify that I have served the Initial Brief of Appellant and Appellant's Designation of Matter to be Included in the Record on Appeal on the above-named Respondents via email to their respective counsel of record, on December 2, 2022, containing the above-referenced documents as attachments in .pdf, sent to the addresses shown below.

A. Bright Ariail, Esq.  
bright@brightariaillaw.com  
Law Office of A. Bright Ariail, LLC  
Warren W. Ariail, Esq.  
warren@ariaillaw.com  
Ariail Law Firm, LLC  
125E Wappoo Creek Drive, Suite 202  
Charleston, SC 29412

*Counsel for Intervenor/Respondent The  
Charleston County School District*

Mary Frances Jowers, Esq.  
Assistant Deputy Attorney General  
mfjowers@scag.gov  
Kristin Simons, Esq.  
Assistant Attorney General  
ksimons@scag.gov  
Office of the South Carolina Attorney General  
P.O. Box 11549  
Columbia, SC 29211

*Counsel for Intervenor/Respondent The Attorney  
General of the State of South Carolina*

Joseph K. Qualey, Esq.  
Qualey Law Firm  
23 Broad Street  
Charleston, SC 29401  
joequaley@qlawfirm.com

*Court-Appointed Receiver for  
Respondent Free Kindergarten  
Association of Charleston*

Patrick F. Stringer, Esq.  
753 Folly Road  
P.O. Box 12370  
Charleston, SC 29422-2370  
pfstringer@yahoo.com

*Counsel for Respondent Free Kindergarten  
Association of Charleston*

Respectfully submitted,

s/Evan P. Williams

Jeffrey S. Tibbals            S.C. Bar No. 72628  
jst@bybeetibbals.com

Evan P. Williams            S.C. Bar No. 101981  
ewilliams@bybeetibbals.com

BYBEE & TIBBALS, LLC  
735 Johnnie Dodds Blvd., Suite 104 (29464)  
P.O. Box 1542  
Mt. Pleasant, SC 29465  
Telephone: 843.881.1623

*Counsel for Appellant Michael D. Royal*

# BYBEE & TIBBALS

735 Johnnie Dodds Blvd. Suite 104  
Mount Pleasant, SC 29464

843.881.1623

[bybeetibbals.com](http://bybeetibbals.com)

Evan P. Williams  
ewilliams@bybeetibbals.com  
843.513.1036

December 2, 2022

## VIA E-MAIL

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201  
ctappfilings@sccourts.org

**Re: *Michael D. Royal v. Free Kindergarten Association of Charleston, et al.*  
Appellate Case No. 2022-001165**

Dear Ms. Kitchings:

Please find enclosed for filing, on behalf of Appellant Michael D. Royal (“Appellant”), the following documents in the above-captioned matter:

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

By copy of its counsel of record on the filing transmittal e-mail, Respondent and Intervenor/Respondents are served with Appellant’s Initial Brief and Designation of Matter.

Yours Sincerely,



Evan P. Williams

Enclosures

cc (via e-mail only): A. Bright Ariail, Esq.  
Warren W. Ariail, Esq.  
Mary Frances Jowers, Esq.  
Kristin Simons, Esq.  
Patrick F. Stringer, Esq.  
Joseph K. Qualey, Esq.  
Zac Smith, Esq.

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