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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Alison Renee Lee, Circuit Court Judge

Appellate Case Nos. 2023-000667 & 2023-000668

Intellectual Capitol, Inc., Barry Newkirk and Neil Richards, Appellants,

v.

Michael B. Spicer, Chief Procurement Officer, South Carolina State Fiscal Accountability Authority, Division of Procurement Services, and South Carolina Workers' Compensation Commission, Respondents.

AND

JMI Sports and JMIS College, LLC, Appellants,

v.

Michael B. Spicer, Chief Procurement Officer, South Carolina State Fiscal Accountability Authority, Division of Procurement Services, and Clemson University, Respondents.

APPELLANTS' DESIGNATION OF MATTER
TO BE INCLUDED IN RECORD ON APPEAL

Pursuant to Rule 209, SCACR, Appellants propose the following be included in the Record on Appeal. Unless otherwise stated, all items designated include exhibits and exclude proof of service, cover sheets, motion forms, and notices.

ORDERS

1. Circuit Court Order On All Motions to Dismiss filed in Richland County Court of Common Pleas January 31, 2023.

2. Circuit Court Form 4 and Order on Plaintiff's Motion for Reconsideration in *JMI Sports et al ("JMI") v. S.C. State Fiscal Accountability Authority, et al.* filed in Richland County Court of Common Pleas April 13, 2023.

3. Circuit Court Form 4 and Order on Plaintiff's Motion for Reconsideration in *Intellectual Capitol Inc. et al. ("ICAP") v. S.C. Workers' Compensation Commission, et al.* filed in Richland County Court of Common Pleas April 13, 2023.

PLEADINGS - Part A - ICAP

4. South Carolina Workers' Compensation Commission's Second Amended Request for Contract Resolution against ICAP filed with the CPO February 12, 2021, excluding exhibits. (This document is Exhibit D to number 5 below, ICAP Complaint and Petition for Declaratory and Injunctive Relief - Unconstitutionality of Law and Deprivation of Constitutional Rights filed in Richland County Court of Common Pleas May 20, 2022).

5. ICAP Complaint and Petition for Declaratory and Injunctive Relief - Unconstitutionality of Law and Deprivation of Constitutional Rights filed in Richland County Court of Common Pleas May 20, 2022. (Unnecessary exhibits omitted).

6. Defendant South Carolina Workers' Compensation Commission's Motion to Dismiss Complaint or in the Alternative for Judgment on the Pleadings filed in Richland County Court of Common Pleas June 16, 2022.

7. ICAP Response to South Carolina Workers' Compensation Commission's Motion to Dismiss Complaint or in the Alternative for Judgment on the Pleadings filed in Richland County Court of Common Pleas June 21, 2022.

8. Defendant Chief Procurement Officer's Motion to Dismiss filed in Richland County Court of Common Pleas June 21, 2022.

9. ICAP Supplemental Response to Respondents' Motions to Dismiss Complaint or in the Alternative for Judgment on the Pleadings filed in Richland County Court of Common Pleas January 3, 2023.

10. ICAP Motion to Reconsider filed in Richland County Court of Common Pleas February 2, 2023.

PLEADINGS - Part B - JMI

11. Clemson University Request for Contract Resolution Against ICAP filed with the CPO November 8, 2021. (This document is Exhibit A to Number 12 below, JMI Complaint and Petition for Declaratory and Injunctive Relief - Unconstitutionality of Law and Deprivation of Constitutional Rights filed in Richland County Court of Common Pleas May 13, 2022).

12. JMI Complaint and Petition for Declaratory and Injunctive Relief - Unconstitutionality of Law and Deprivation of Constitutional Rights filed in Richland County Court of Common Pleas May 13, 2022.

13. Defendant Chief Procurement Office's Motion to Dismiss filed June 15, 2022.

14. Defendant Clemson University's Motion to Dismiss, or, in the Alternative, for Judgment on the Pleadings filed in Richland County Court of Common Pleas June 15, 2022.

15. JMI Response to Defendant Clemson University's Motion to Dismiss, or, in the Alternative, for Judgment on the Pleadings filed in Richland County Court of Common Pleas June 21, 2022.

16. JMI Supplemental Brief on Motions filed in Richland County Court of Common Pleas January 3, 2023.

17. JMI Motion to Reconsider filed in Richland County Court of Common Pleas February 2, 2023.

OTHER

18. Judge Alison Renee Lee's e-mail asking for Respondents positions on Motion to Reconsider dated April 5, 2023.

19. South Carolina Workers' Compensation Commission's email response to Judge Alison Renee Lee dated April 5, 2023.

20. Petitioners' email to Judge Alison Renee Lee in response to South Carolina Workers' Compensation Commission's email dated April 5, 2023.

21. Clemson University's email response to Judge Alison Renee Lee dated April 6, 2023.

22. Chief Procurement Officer and State Fiscal Accountability Authority's email response to Judge Alison Renee Lee dated April 6, 2023.

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

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