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May 16 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
In the Court of Common Pleas for the Ninth Judicial Circuit

The Honorable Kristi F. Curtis, Circuit Court Judge

Appellate Case No. 2023-000952

Kelly Bingham and Kayla Bingham Appellants-Respondents,

v.

Medical University of South CarolinaRespondent-Appellant.

**RESPONDENT-APPELLANT'S DESIGNATION OF MATTER FOR INCLUSION IN
THE RECORD ON APPEAL AS TO INITIAL REPLY BRIEF AS APPELLANT**

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University of South Carolina*

Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Respondent-Appellant Medical University of South Carolina ("MUSC") hereby designates the following materials to be included in the Record on Appeal in this matter in connection with its Initial Reply Brief as Appellant. Each item designated **is to include all attachments or exhibits** to the original of the referenced item. Respondent-Appellant MUSC intends to designate each and every item from the record that it cites in its Initial Reply Brief as Appellant in this matter. Respondent-Appellant MUSC expressly reserves the right to seek supplementation of the record pursuant to Rules 209 and 212, SCACR.

Respondent-Appellant MUSC designates the following matters for inclusion in the Record on Appeal (including any and all exhibits or attachments thereto):

1. January 16, 2018 MUSC's Answer to Plaintiffs' Complaint
2. September 19, 2023 Order
3. Trial Transcript, pages 314, 369, 448, 462, 615-18, 945-47
4. Defendant's Trial Exhibit 5 → Email chain re: Testing Irregularity
5. Defendant's Trial Exhibit 6 → Email chain between Dr. Laura Kasman and Joseph Ivey
6. Defendant's Trial Exhibit 7 → May 11, 2016 Letter from Dr. Laura Kasman to Joseph Ivey
7. Defendant's Trial Exhibit 9 → LXR Data for Student 108013
8. Defendant's Trial Exhibit 10 → LXR Data for Student 108014
9. Defendant's Trial Exhibit 13 → Individual Mastery Reports
10. Defendant's Trial Exhibit 15 → MUSC Honor Code
11. Defendant's Trial Exhibit 16 → May 13, 2015 NMBE Customized Examination Performance Profile for Plaintiffs
12. Defendant's Trial Exhibit 17 → May 9, 2016 NMBE Examinee Performance Profiles for Plaintiffs
13. Defendant's Trial Exhibit 21 → Email chain involving Laura-Elizabeth Smith and Inda Humes re: DATA

14. Plaintiffs' Trial Exhibit 33 → Email Chain, August 12, 2016, including Nicholas I. Batalis, Donna Kern, Raymond N. DuBois, Kennedy Kendrick, Lauren Sausser, Jennifer Nall, Anita C. Harrell, Heather Woodwine re: Bingham

Respondent-Appellant MUSC certifies, pursuant to S.C.A.C.R., Rule 209(c), that the designations set forth above are relevant to the appeal in this matter, and that it has not designated any matter that is irrelevant to the issues before the Court.

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By: 

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