

RECEIVED

Jul 17 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Kristi F. Curtis, Circuit Court Judge

Appellate Case No.: 2023-000952

Kellie Bingham and Kayla BinghamAppellants-Respondents

v.

Medical University of South Carolina.....Respondent-Appellant.

**SUPPLEMENTAL
RECORD ON APPEAL**

PARKER LAW GROUP, LLP

John E. Parker

John E. Parker, Jr.

Post Office Box 487

Hampton, South Carolina 29924

Phone: (803) 903-1781

ATTORNEYS FOR APPELLANTS-
RESPONDENTS

BARNWELL, WHALEY,

PATTERSON, AND HELMS, LLC

M. Dawes Cooke, Jr.

John W. Fletcher

P.O. Drawer H

Charleston, SC 29402

Phone: (843) 577-7700

ATTORNEYS FOR
RESPONDENT-APPELLANT

INDEX

Additional Excerpts from Trial Transcript

Opening Statement..... 1

Defendant’s Motion in Limine to Exclude Facebook Evidence.....2

1 computer rooms. Generally the students were free to sit
2 where they chose. And they chose to sit next to each other.

3 The photograph shows pretty clearly that the seats in
4 that room were very close to each other. The computers are
5 very close to each other. The screens are very close to each
6 other. Very large screens for big match room. At that time
7 there were no blinders or screen protectors or anything that
8 would prevent one person from seeing screen of the person
9 next to them.

10 Additionally, at that time, answers on these
11 examinations were not -- the questions were not randomized
12 and the answers were not randomized. So what that means is,
13 for every test taker, their question number one was the same.
14 And their section -- their selection A for that was the same,
15 B, C, D, whatever. So the answers were same throughout the
16 entire test for every test.

17 And during the examination, Dr. Hazen Martin, as she did
18 in all these all these block tests, was observing through
19 what's called the LXR program. And that's basically computer
20 program that allows her to watch students taking the
21 examination essentially in real time. And LXR sounds more
22 complicated. Basically pulls up a, like a spreadsheet that
23 shows the student what question they're on, their answers on
24 that information.

25 And she knows something in this examination she had

1 the case released the information to the press.

2 So he believed at that point that the information lent
3 itself to the conclusion that it came from MUSC. So I think
4 ultimately the jury will decide that, but it's hard for me to
5 say that that cannot come in when that -- it was of such a
6 detailed nature and from such a -- what was supposed to be
7 shrouded in secrecy, that it made him think that it came from
8 within the organization. So I'm going to deny the objection
9 on the basis that there's no link. Because I think there is
10 strong circumstantial evidence.

11 As to the hearsay objection, I do think that this goes
12 ultimately to damages. I think there's got to be some
13 authentication, however because what you're trying to do is
14 enter in Facebook messages from some other third parties who
15 are not -- they're not parties to the case, they're not
16 witnesses. So I need to hear how you're -- you're
17 authenticating this and I'm assuming that you're trying to
18 say that you're using this, not for the truth of the matter,
19 sir, but to show reputational damage. But I still think
20 you've got an authentication. I need to hear how you're ---

21 MR. PARKER: Your Honor ---

22 THE COURT: --- how you came about getting this Facebook
23 post.

24 MR. PARKER: We will call Kayla and Kellie's cousin, Trey
25 tomorrow being on the -- as a witness who will

RECEIVED

Jul 17 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Kristi F. Curtis, Circuit Court Judge

Appellate Case No.: 2023-000952

Kellie Bingham and Kayla BinghamAppellants-Respondents

v.

Medical University of South Carolina.....Respondent-Appellant.

CERTIFICATE OF COUNSEL

The undersigned certifies that the Supplemental Record on Appeal contains all material proposed to be included by any parties and not any other material.

By: _____



John E. Parker, Esq.
John E. Parker, Jr., Esq.
Post Office Box 487
Hampton, South Carolina 29924
Phone: (803) 903-1781
Fax: (803) 903-1793
jparker@parkerlawgroupsc.com
jayparker@parkerlawgroupsc.com

ATTORNEYS FOR APPELLANTS-
RESPONDENTS

July 17, 2024