

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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Dec 04 2024

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Kristi F. Curtis, Circuit Court Judge

Case No. 2024-CP-40-06276
Appellate Case No. 2024-001321

Opternative, Inc.,

Appellant,

v.

South Carolina Board of
Medical Examiners and South
Carolina Department of Labor,
Licensing, and Regulation,

Respondents,

and

South Carolina Optometric
Physicians Association,

Respondent-Intervenor.

RESPONDENT-INTERVENOR'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Pursuant to Rule 209, SCACR, Respondent-Intervenor South Carolina Optometric
Physicians Association designates the following be included in the Record on Appeal:

1. Form 4 Order Granting Summary Judgment, filed June 20, 2024
2. Order Granting Summary Judgment to Defendant-Intervenor, filed July 18, 2024
3. Order of the South Carolina Supreme Court, Opinion No. 28106, filed August 24, 2022

4. Order of the South Carolina Court of Appeals, Opinion No. 5818, filed May 5, 2021
5. Order Granting Defendants' Motion for Summary Judgment, filed January 26, 2018
6. Summons and Complaint, filed October 20, 2016
7. Motion to Intervene of South Carolina Optometric Physicians Association, and Exhibits, filed January 12, 2017
8. Form 4 Order Granting Motion to Intervene, filed February 22, 2017
9. Answer of South Carolina Optometric Physicians Association, and Exhibits, filed March 9, 2017
10. Motion for Summary Judgment of Defendants South Carolina Board of Medical Examiners and the South Carolina department of Labor, Licensing & Regulation, filed July 10, 2017
11. Plaintiff's Motion for Summary Judgment, and Exhibits, filed September 6, 2017
12. Plaintiff's Brief in Opposition to Defendants' Motion for Summary Judgment, filed September 27, 2017
13. Defendant-Intervenor's Memorandum of Law in Response to the Parties' Motions for Summary Judgment, filed October 3, 2017
14. Plaintiff's Motion for Summary Judgment, and Exhibits, filed June 15, 2023
15. Response to Plaintiff's Motion for Summary Judgment of Defendants South Carolina Board of Medical Examiners and the South Carolina Department of Labor, Licensing & Regulation, and Exhibits, filed August 4, 2023
16. Defendant-Intervenor's Motion for Summary Judgment and Memorandum of Law in Support, and Exhibits, filed August 4, 2023
17. Plaintiff's Motion to Supplement the Summary Judgment Record, and Exhibits, filed October 2, 2023
18. Plaintiff's Response to SCOPA's Motion for Summary Judgment, and Exhibits, filed May 29, 2024
19. Defendant-Intervenor's Notice of Supplementation of the Record, and Exhibits, filed May 31, 2024
20. Notice of Appeal to the Supreme Court, filed August 15, 2024

21. Hearing on Defendant-Intervenor's and Plaintiff's Cross-Motions for Summary Judgment, June 3, 2024

s/ Kirby D. Shealy III

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December 4, 2024.