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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
The Honorable Jocelyn Newman, Circuit Court Judge

Appellate Case No.: 2024-000291  
Case No. 2020-CP-40-02330

Davia Bunch and Casey Kelly, individually and on behalf of .....  
others similarly situated,..... Appellants,

v.

The University of South Carolina, ..... Respondent.

**CONSENT MOTION FOR SUPPLEMENTAL APPENDIX TO RECORD ON APPEAL**

Pursuant to Rule 212(b), SCACR, Respondent The University of South Carolina moves this Court for an order allowing the filing of a supplemental appendix in the above appeal. In finalizing Respondent’s Final Brief on Appeal, Respondent’s counsel noticed that two pages from a deposition were cited in its Initial Appellate Brief, but were inadvertently omitted from its Designation of Matters filed on October 18, 2024. Plaintiffs’ counsel have consented to this supplementation of the record.

In accordance with Rule 212(c), SCACR, the proposed Supplemental Appendix to the Record on Appeal, with attached supplemental material is attached as **Exhibit A**.

Final Briefs are due to be filed by February 24, 2025.

*[Signatures on the following pages]*

Respectfully submitted,

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February 24, 2025

# **EXHIBIT A**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
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**SUPPLEMENTAL APPENDIX TO RECORD ON APPEAL**

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1. Aaron Marterer 30(b)(6) Deposition, October 27, 2022 .....1336-1337

1 you to a list of courses; is that correct?

2 A. Correct.

3 Q. And I'm going to close out this exhibit  
4 and reopen what was previously marked as  
5 Exhibit 10. Give me one second. Sorry, not  
6 Exhibit 10.

7 All right. So I've brought back up a  
8 document that was previously marked as Exhibit 62  
9 that we were just talking about before. I put  
10 Exhibit 73 in front of you.

11 Going back -- so after the student has  
12 filtered for the type of class, campus, type of  
13 instructional method, et cetera, that he or she  
14 wishes to filter for, they would be brought to a  
15 search results page that looks something like this;  
16 is that correct?

17 A. Correct.

18 Q. All right. And then they could select  
19 the class that they wanted based on things like the  
20 time of day, the instructor, and the method of  
21 instruction; is that right?

22 A. That's correct.

23 Q. And they would specifically -- strike  
24 that.

25 The student would then select the

1 course that they wanted based on the information  
2 that's shown here where it says, "Class Details";  
3 is that right?

4 A. Yes. That -- this is a pop-out box --

5 Q. Yeah.

6 A. -- from the search, and so -- and  
7 there's a -- there's a lot of information that --  
8 you know, you the see the tabs going down the side.  
9 There's all kinds of information there that -- so  
10 it's all informational -- students can review that  
11 pop-out box --

12 Q. All right.

13 A. -- prior to making a course selection.

14 Q. Right.

15 And they -- and there's also -- so  
16 before they review the pop-out box, they would  
17 see -- if you look down here at the bottom of the  
18 first page of Exhibit 62, it says -- for example,  
19 the last entry is 55077, SPAN 122, and it says  
20 there's one of 24 seats left, and it gives the days  
21 of the week that it's offered and it gives the  
22 times.

23 And then there's more information  
24 that's not necessarily captured by the screen,  
25 right, that they can scroll over to?