

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

Appeal 2012-213499
Case No. 08-CP-42-00475

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SC Court of Appeals

John Doe, Appellant,

v.

City of Duncan, Respondent.

**RESPONDENT'S DESIGNATION OF
MATTER FOR THE RECORD ON APPEAL**

Pursuant to Rule 209, SCACR, Respondent City of Duncan ("the City") submits its designations of matter for inclusion in the record on appeal. These designations are in addition to the matters designated by opposing counsel in the Appellant's Designation of Matter. Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, the designation contains no matter which is irrelevant to the appeal:

ORDERS

1. Order Granting City's Motion to Dismiss, November 1, 2012.
2. Court of Appeals' Order Denying City's Motion to Dismiss Appeal, August 16, 2013.

PLEADINGS

3. Summons, January 28, 2009.

4. Complaint, January 28, 2009.
5. Amended Complaint, February 21, 2012.

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TRANSCRIPTS

6. Transcript of Hearing before Trial Court, May 16, 2012.

SC Court of Appeals

EXHIBITS

7. Ex. A to City's Memorandum in Support of its Motion to Dismiss: Email from Greg Myers to Clerk of Court, February 4, 2009.

MISCELLANEOUS AND MOTIONS


8. City's Motion to Dismiss, May 15, 2012.
9. City's Memorandum in Support of its Motion to Dismiss, May 16, 2012.
10. City's Renewed Motion to Dismiss, June 27, 2012.
11. City's Motion to Dismiss Appeal, May 29, 2013.
12. FOIA response of the National Personnel Records Center, May 4, 2012.¹
13. Complaint in *Doe v. Barry Frost*, Case No. 2009-CP-42-2662, May 7, 2009.
14. Answer in *Doe v. Barry Frost*, Case No. 2009-CP-42-2662, July 1, 2009.
15. Defendant's Motion for Summary Judgment in *Doe v. Barry Frost*, Case No. 2009-CP-42-2662, April 18, 2013.
16. Consent Order of Dismissal, in *Doe v. Barry Frost*, Case No. 2009-CP-42-2662, September 9, 2013.

[SIGNATURE PAGE ATTACHED]

¹ In light of the pseudonymous nature of this suit, Doe's personal identifying information will be redacted.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: _____


William H. Foster III
SC Bar No. 66221
E-Mail: bill.foster@nelsonmullins.com
104 South Main Street / Ninth Floor
Post Office Box 10084 (29603-0084)
Greenville, SC 29601
(864) 250-2300

A. Mattison Bogan
SC Bar No. 72629
E-Mail: matt.bogan@nelsonmullins.com
Miles E. Coleman
SC Bar No. 78264
E-Mail: miles.coleman@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

TURNER, PADGET, GRAHAM & LANEY, P.A.

Charles L. Turner
SC Bar No. 64996
E-Mail: cturner@turnerpadget.com
200 East Broad Street, Suite 250
Post Office Box 1509
Greenville, SC 29602
(864) 552-4600

Attorneys for Respondent

Greenville, South Carolina
October 7, 2013

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Appeal 2012-213499
Case No. 08-CP-42-00475

John Doe.....Appellant

v.

City of Duncan..... Respondent

PROOF OF SERVICE

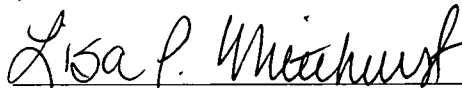
I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Respondent, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

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

Counsel Served:

Gregg Meyers
Jeff Anderson and Associates
366 Jackson Street
St. Paul, MN 55101



Lisa P. Whitehurst
Administrative Assistant

October 7, 2013

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John Doe.....Appellant

v.

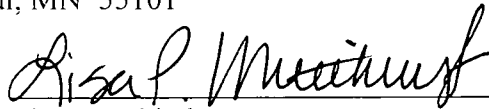
City of Duncan..... Respondent

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Respondent, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings: **INITIAL BRIEF OF RESPONDENT**

Counsel Served: Gregg Meyers
Jeff Anderson and Associates
366 Jackson Street
St. Paul, MN 55101



Lisa P. Whitehurst
Administrative Assistant

October 7, 2013

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
1320 Main Street / 17th Floor / Columbia, SC 29201
Tel: 803.799.2000 Fax: 803.255.5908
www.nelsonmullins.com

Miles E. Coleman
Tel: 803.255.5549
Fax: 803.255.5908
miles.coleman@nelsonmullins.com

October 7, 2013

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, SC 29201

RE: John Doe v. City of Duncan
Appellate Case No. 2012-213499
Case No. 2008-CP-42-0475
Our File No. 15407.01504

Dear Ms. Kitchings:

Enclosed please find the original and one copy each of the Initial Brief of Respondent and Respondent's Designation of Matter to be Included in the Record on Appeal in regard to the above-referenced matter. We would ask that you file the original and return clocked-in copies to us via our courier.

By copy of this letter to counsel of record, we are serving him with copies of the brief and designation.

Very truly yours,



Miles E. Coleman

MEC:lpw
Enclosures
cc: Gregg Meyers, Esquire

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