

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

G. Thomas Cooper, Jr., Circuit Court Judge

Case No.: 2012-CP-40-03924
Appellate Case No.: 2013-002295

Linda Rodarte, J. Perry Kimball, George M. Lee, III,
Mena H. Gardiner, and John Love, Plaintiffs,

Of Whom George M. Lee, III, Mena H. Gardiner and
John Love are the

Appellants,

v.

The University of South Carolina and the University of
South Carolina Gamecock Club

Respondents.

**DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Respondents propose the following be included in the Record on Appeal:

1. Complaint filed on June 7, 2012;
2. Amended Complaint filed on July 6, 2012;
3. Defendants' Motion to Dismiss filed on July 24, 2012;
4. Form 4 Order Denying Defendants' Motion to Dismiss filed on September 17, 2012;
5. Answer to Amended Complaint filed October 3, 2012;
6. Stipulation of Dismissal with Prejudice filed June 10, 2013;
7. Plaintiffs' Motion for Summary Judgment filed August 29, 2012;

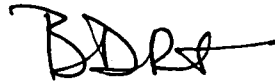
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8. Plaintiffs' Motion for Summary Judgment dated June 14, 2013;
9. Defendants' Motion for Summary Judgment filed June 14, 2013;
10. Sworn Affidavit of George Lee filed August 29, 2012;
11. Consent Withdrawal of Plaintiffs' Motion for Summary Judgment filed November 2, 2012;
12. Form 4 Order Withdrawing Plaintiffs' Motion for Summary Judgment entered November 8, 2012;
13. Affidavit of Marcy Girton filed September 7, 2012;
14. Order Granting Defendants' Motion for Summary Judgment and Denying Plaintiffs' Motion for Summary Judgment entered August 27, 2013;
15. Plaintiffs' Motion for Reconsideration dated September 9, 2013;
16. Order Denying Plaintiffs' Motion for Reconsideration filed September 17, 2013;
17. Notice of Appeal dated October 15, 2013;
18. Deposition of Marion Hope (June 4, 2013) p. 17, l. 18 – p. 20, l. 4, including Exhibit 2 to deposition of Marion Hope;
19. Deposition of John Love (June 5, 2013) p. 20, l. 20 – p. 21, l. 2; p. 24, l. 3 - p. 28, l. 25, including Defendants' Exhibit 1 and Defendants' Exhibit 2 to deposition of John Love; and
20. Deposition of George Lee (June 7, 2013) p. 43, ll. 7-15, including Defendants' Exhibit 1 to deposition of George Lee.

I certify that this designation contains no matter which is irrelevant to this appeal.



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March 5, 2014

*Attorneys for Respondents the University of South
Carolina and the University of South Carolina Gamecock
Club*

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PROOF OF SERVICE

I certify that I have served the Initial Brief of Respondents and Respondents' Designation of Matter to be Included in the Record on Appeal on the Appellants by hand delivery, on March 5, 2014, to their attorney of record, Julius W. Babb, IV, Esquire, J. Lewis Cromer & Associates, LLC, 1522 Lady Street, Columbia, SC.



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Attorneys for Respondents

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BY HAND-DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
Edgar Brown Building
1205 Pendleton Street
Columbia, South Carolina 29201

Re: Linda Rodarte, et al. vs. The University of South Carolina, et al.
Civil Action No.: 2012-CP-40-3924
SGS&L File No.: 6468/1501

Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of the Initial Brief of Respondent and Respondents' Designation of Matter to be Included in the Record on Appeal along with Proof of Service.

I would appreciate your filing as appropriate and returning a clocked-in copy of each via our courier.

By copy of this letter, and as evidenced by the Proof of Service, I am serving same upon counsel for the Appellants.

Sincerely,



Bess J. DuRant

Enclosures

cc: Julius W. Babb, IV, Esquire (via hand delivery)
Edwin E. Evans, Esquire (via email)

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