

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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**RECEIVED**

JUL 31 2014

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

The Honorable G. Thomas Cooper, Jr., Circuit Court Judge

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**SC Court of Appeals**

Circuit Court Case No. 2007-CP-40-02187

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Protection and Advocacy for the People with Disabilities, Inc.; M.J.B. on behalf of and as next friend of J.B.; C.B.B. on behalf of and as guardian of P.B.; G.C. and L.C. on behalf of and as guardians of F.C.; D.P. on behalf of and as guardian of C.M.D.; K.F. and S.F. on behalf of and as next friend of A.E.; J.H. on behalf of and as next friend of A.J.; G.M. on behalf of and as next friend of E.M.; N.M. on behalf of and as guardian of E.J.M.; R.P. on behalf of and as Guardian of S.P.; R.R. and J.R. on behalf of and as guardians of K.D.R.; and J.K. on behalf of and guardian of S.S. . . . . . **APPELLANTS**

v.

South Carolina Department of Disabilities and Special Needs; Dr. Beverly Buscemi, in her official capacity as Director of the South Carolina Department of Disabilities and Special Needs; and Nancy Banor, Deborah McPherson, Christine Sharp, Rick Huntress, Fred Lynn, Harvey Shiver and Kelly Hanson Floyd, as Commissioners of the South Carolina Department of Disabilities and Special Needs . . . . . **RESPONDENTS**

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

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Appellants Protection and Advocacy for the People with Disabilities, Inc.; M.J.B. on behalf of and as next friend of J.B.; C.B.B. on behalf of and as guardian of P.B.; G.C. and L.C. on behalf of and as guardians of F.C.; D.P. on behalf of and as guardian of C.M.D.; K.F. and S.F. on behalf of and as next friend of A.E.; J.H. on behalf of and as

next friend of A.J.; G.M. on behalf of and as next friend of E.M.; N.M. on behalf of and as guardian of E.J.M.; R.P. on behalf of and as Guardian of S.P.; R.R. and J.R. on behalf of and as guardians of K.D.R.; and J.K. on behalf of and guardian of S.S., ("Appellants")

propose the following be included in the Record on Appeal:

- 1) Order of Judge Cooper, dated October 7, 2013;
- 2) Order of Judge Cooper, dated December 30, 2013;
- 3) Summons and Complaint, dated April 5, 2007;
- 4) Petition to Proceed Anonymously, dated April 12, 2007;
- 5) Order to Allow Individually Named Plaintiffs to Proceed Anonymously, dated April 12, 2007
- 6) Defendants' Motion to Dismiss and Motion for More Definite Statement, dated May 31, 2007
- 7) Defendants' Memorandum in Support of Motion to Dismiss, dated September 18, 2007
- 8) Plaintiffs' Memorandum in Opposition to Defendant's Motions to Dismiss And for More Definite Statement, dated September 21, 2007
- 9) Order of Court by the Honorable J. Michelle Childs, dated December 14, 2007
- 10) Answer of All Defendants, dated December 26, 2007
- 11) Defendants' Motion for Summary Judgment, dated June 9, 2008
- 12) Memorandum in Support of Defendants Motion for Summary Judgment October 8, 2008
- 13) Defendants' Answers to Plaintiffs Requests for Admission, dated October 29, 2008
- 14) Defendants' Amended Answers to Plaintiffs Requests for Admission, dated October 30, 2008
- 15) Defendants Answers to Plaintiffs' Interrogatories, dated December 17, 2008
- 16) Defendants Answers to Plaintiffs' Requests to Produce, dated December 17, 2008
- 17) Deposition of Kathi Lacy deposition, dated July 9, 2009
- 18) Deposition of Dr. John Vaughn deposition, dated June 10, 2009
- 19) Deposition of Deborah McPherson deposition, dated September 23, 2011
- 20) Affidavit of Gloria Provost, dated May 11, 2010
- 21) Affidavit of Larry Hyde, dated October 19, 2010
- 22) Affidavit of C. Jo Anne Wessinger Hill, dated October 17, 2013
- 23) Plaintiffs' Memo in Opposition to Defendants' Motion for Summary Judgment, dated May 13, 2010
- 24) Defendants' Reply Memo in Support of Defendants' Motion for Summary Judgment, dated May 28, 2010
- 25) Plaintiff's Notice of and Motion for Summary Judgment, dated June 6, 2013
- 26) Plaintiffs' Memorandum in Support of Motion for Summary Judgment, dated August 1, 2013
- 27) Defendants' Supplemental Memorandum on Summary Judgment, dated August 2, 2013

- 28) Plaintiffs' Notice of and Motion to Alter, Amend or Reconsider Judgment Pursuant to Rule 59(e) SCRPC, dated October 17, 2013
- 29) Defendants' Memorandum in Opposition to Plaintiffs' Motion to Alter or Amend, Etc., dated November 20, 2013
- 30) Plaintiffs' Reply in Support of Their Notice of and Motion to Alter, Amend or Reconsider Judgment Pursuant to Rule 59(e), SCRPC, dated December 18, 2013

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

Respectfully submitted this 31<sup>st</sup> day of July, 2014,

RICHARDSON PLOWDEN &  
ROBINSON, P.A.

By: 

Steven W. Hamm  
C. Jo Anne Wessinger Hill  
Post Office Drawer 7788  
Columbia, South Carolina 29202  
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(803) 779-0016 facsimile

ATTORNEYS FOR APPELLANTS,  
PROTECTION AND ADVOCACY FOR THE  
PEOPLE WITH DISABILITIES, INC.; M.J.B.  
ON BEHALF OF AND AS NEXT FRIEND OF  
J.B.; C.B.B. ON BEHALF OF AND AS  
GUARDIAN OF P.B.; G.C. AND L.C. ON  
BEHALF OF AND AS GUARDIANS OF F.C.;  
D.P. ON BEHALF OF AND AS GUARDIAN OF  
C.M.D.; K.F. AND S.F. ON BEHALF OF AND  
AS NEXT FRIEND OF A.E.; J.H. ON BEHALF  
OF AND AS NEXT FRIEND OF A.J.; G.M. ON  
BEHALF OF AND AS NEXT FRIEND OF E.M.;  
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E.J.M.; R.P. ON BEHALF OF AND AS  
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BEHALF OF AND AS GUARDIANS OF K.D.R.;  
AND J.K. ON BEHALF OF AND GUARDIAN OF  
S.S.

July 31, 2014  
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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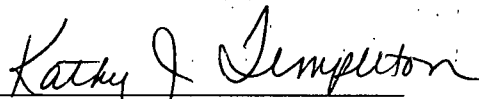
**PROOF OF SERVICE**

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The undersigned employee of RICHARDSON PLOWDEN & ROBINSON, P.A., attorneys for Appellant, does hereby certify that service of the **AMENDED DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** in the above-captioned matter was made upon all counsel of record this 31<sup>ST</sup> day of July, 2014, by depositing a copy of same in the U.S. Mail, postage prepaid, addressed as follows:

Kenneth P. Woodington, Esq.  
William H. Davidson, II, Esq.  
Davidson & Lindemann, PA  
PO Box 8568  
Columbia, SC 29202

July 31, 2014  
Columbia, South Carolina

  
Kathy J. Templeton

July 31, 2014

**VIA HAND DELIVERY**

The Hon. Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, SC 29211

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**SC Court of Appeals**

Re: Protection and Advocacy for the People with Disabilities, Inc.; M.J.B.  
on behalf of and as next friend of J.B.; C.B.B. on behalf of and as guardian of  
P.B.; G.C. and L.C. on behalf of and as guardians of F.C.; D.P. on behalf of and  
as guardian of C.M.D.; K.F. and S.F. on behalf of and as next friend of A.E.; J.H.  
on behalf of and as next friend of A.J.; G.M. on behalf of and as next friend of  
E.M.; N.M. on behalf of and as guardian of E.J.M.; R.P. on behalf of and as  
Guardian of S.P.; R.R. and J.R. on behalf of and as guardians of K.D.R.; and J.K.  
on behalf of and as guardian of S.S, **APPELLANTS** v. South Carolina  
Department of Disabilities and Special Needs; Dr. Beverly Buscemi, in her  
official capacity as Director of the South Carolina Department of Disabilities  
and Special Needs; and Nancy Banor, Deborah McPherson, Christine Sharp,  
Rick Huntress, Fred Lynn, Harvey Shiver and Kelly Hanson Floyd, as  
Commissioners of the South Carolina Department of Disabilities and Special  
Needs **RESPONDENTS**  
Appeal from Richland County Court of Common Pleas  
Case No. 2007-CP-40-02187  
Appellate Case No. 2014-000244

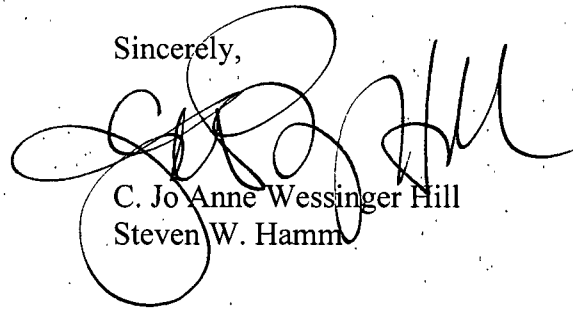
Dear Ms. Kitchings:

Please find enclosed the original copy of the Amended Designation of Matter to be  
Included in the Record on Appeal for filing in this matter. I have consulted with opposing  
counsel and they have no objection and consent to same. I have also included a copy to be  
clocked and returned to the courier.

If you should have any further questions or concerns, please do not hesitate to contact  
me. Thank you for your assistance in this matter.

With kindest regards, I am

Sincerely,

A handwritten signature in black ink, consisting of two distinct parts. The first part is a large, stylized cursive signature that appears to be 'C. Jo Anne Wessinger Hill'. The second part is a smaller, more compact cursive signature that appears to be 'Steven W. Hamm'. The two signatures are written close together, with the second signature overlapping the bottom of the first.

C. Jo Anne Wessinger Hill  
Steven W. Hamm

SWH/CJWH/kjt

Enclosures

cc: Kenneth P. Woodington, Esq., w/enc.