

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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SEP 10 2014

S.C. Supreme Court

APPEAL FROM RICHLAND COUNTY
In the Court of Common Pleas

G. Thomas Cooper, Jr., Presiding Judge

Appellate Case No. 2014-001310

Kristin Joseph P.T., Thomas N. Joseph M.D.,
and William G. McCarthy, M.D,.....Appellants,

v.

South Carolina Department of Labor, Licensing
and Regulation, South Carolina Board of Physical
Therapy,.....Respondent,

and

South Carolina Chapter, American Physical
Therapy Association, Joseph M. McKowen, PT,
Sabrina Queen Bridges, PTA, and Amalia W. Kirby, (PTA),.....Respondents.

**RESPONDENTS' DESIGNATION OF MATERIALS TO BE
INCLUDED IN THE RECORD ON APPEAL**

In addition to the materials identified by Appellants in their July 10, 2014
designations, Respondents propose the following be included in the Record on Appeal:

1. May 24, 2013 Amended Declaratory Judgment Action/Complaint
2. May 23, 2014 Notice of Appeal
3. Ex. A to South Carolina Board of Physical Therapy's Memorandum in Support of
Its Motion for Summary Judgment, South Carolina General Assembly Bill S1031.

4. Ex. B to South Carolina Board of Physical Therapy's Memorandum in Support of Its Motion for Summary Judgment, South Carolina General Assembly Bill H4329.
5. Ex. A to December 13, 2013 Defendant-Intervenors' Memorandum in Support of Its Motion for Summary Judgment, Excerpts from the June 17, 2013 Deposition of Thomas N. Joseph, M.D. pp. 11-12, 26, 28-29, 58.
6. Ex. B to December 13, 2013 Defendant-Intervenors' Memorandum in Support of Its Motion for Summary Judgment, Excerpts from the June 17, 2013 Deposition of William G. McCarthy, M.D. pp. 21-22, 25, 28.
7. Ex. C to December 13, 2013 Defendant-Intervenors' Memorandum in Support of Its Motion for Summary Judgment, Excerpts from the June 17, 2013 Deposition of Kristin Joseph, PT pp. 15-16, 20, 24.
8. Ex. D to December 13, 2013 Defendant-Intervenors' Memorandum in Support of Its Motion for Summary Judgment, December 12, 2013 Affidavit of John Stearns and Appendix A & B thereto.
9. Ex. E to December 13, 2013 Defendant-Intervenors' Memorandum in Support of Its Motion for Summary Judgment, Excerpts from the October 30, 2013 Deposition of John Sterns pp. 40, 53-54, 84-87.
10. Ex. F to December 13, 2013 Defendant-Intervenors' Memorandum in Support of Its Motion for Summary Judgment, Excerpts from the June 14, 2013 Deposition of Joseph Mark McKowen pp. 5, 7, 10, 15.
11. Ex. G to December 13, 2013 Defendant-Intervenors' Memorandum in Support of Its Motion for Summary Judgment, Excerpts from the May 23, 2013 Deposition of James Price Stoker pp. 10, 41.
12. Ex. H to December 13, 2013 Defendant-Intervenors' Memorandum in Support of Its Motion for Summary Judgment, Excerpts from the May 13, 2013 Deposition of Marilyn M. Swygert pp. 15-16, 26-27.
13. Ex. I to December 13, 2013 Defendant-Intervenors' Memorandum in Support of Its Motion for Summary Judgment, Excerpts from the May 13, 2013 Deposition of E. Dargan Ervin, Jr. pp. 21, 23, 25.
14. Ex. J to December 13, 2013 Defendant-Intervenors' Memorandum in Support of Its Motion for Summary Judgment, April 24, 2013 Affidavit of Jim Stoker.

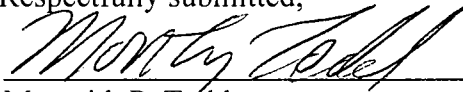
15. Ex. K to December 13, 2013 Defendant-Intervenors' Memorandum in Support of Its Motion for Summary Judgment, April 30, 2013 Affidavit of Joseph M. McKowen.
16. Ex. L to December 13, 2013 Defendant-Intervenors' Memorandum in Support of Its Motion for Summary Judgment, April 29, 2013 Affidavit of Amalia W. Kirby.
17. Ex. M to December 13, 2013 Defendant-Intervenors' Memorandum in Support of Its Motion for Summary Judgment, May 1, 2013 Affidavit of Sabrina Queen Bridges.
18. Ex. N to December 13, 2013 Defendant-Intervenors' Memorandum in Support of Its Motion for Summary Judgment, Excerpts from the May 1, 2013 Deposition of Roy Christopher Junkins pp. 13, 15, 44-45.
19. Ex. O to December 13, 2013 Defendant-Intervenors' Memorandum in Support of Its Motion for Summary Judgment, Excerpts from the May 1, 2013 Deposition of Darlene Pope pp. 42.
20. Ex. P to January 10, 2014 Defendant-Intervenors' Response in Support of Its Motion for Summary Judgment, January 9, 2014 Supplemental Affidavit of John Stearns and Appendix A thereto.
21. Ex. Q to January 10, 2014 Defendant-Intervenors' Response in Support of Its Motion for Summary Judgment, Jean M. Mitchell and Elton Scott, Physician Ownership of Physical Therapy Services, Effects on Charges, Utilization, Profits and Serv. Characteristics, 268 JAMA 2055-59 (1992).
22. Ex. R to January 10, 2014 Defendant-Intervenors' Response in Support of Its Motion for Summary Judgment, Alex Swedlow, et al., Increased Costs and Rates of Use in the Cal. Workers' Comp. Sys. as a Result of Self-Referral by Physicians, 327 New Eng. J. Med. 1502-06 (1992).

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

[Signature Block to Follow]

By:

Respectfully submitted,



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Columbia, South Carolina
September 10, 2014

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PROOF OF SERVICE

I certify that I have served the Respondents' Designation of Materials to be Included in the Record on Appeal on counsel of record by depositing a copy of it in the Unites States Mail, postage prepaid, on September 10, 2014, addressed as follows:

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September 10, 2014