

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM LEE COUNTY
Court of Common Pleas

Thomas W. Cooper, Jr., Circuit Court Judge

Case No.: 2007-65159

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; William L. Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P.; Waylon P., a minor, by and through William Mills, as Guardian ad Litem; Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent and Guardian ad Litem of Tyler B.; Tyler B., a minor, by and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr., individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C.; Kimberly C., a minor, by and through Evert Comer, Jr., as Guardian ad Litem; Marla Q. Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J.; Eleanor J., a minor, by and through

Marla Q. Jameson, as Guardian ad Litem; Victor M. Lancaster, Sr., individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L.; Christie L., a minor, by and through Victor M. Lancaster, Sr., as Guardian ad Litem; Dr. Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C., a minor, by and through Dr. Charles Clark, as Guardian ad Litem; Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C.; Corrie C., a minor, by and through Colonel Larry Coker, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Kathisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; John Whiteside, individually, and as a taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W.; Joel W., a minor, by and through John Whiteside as Guardian ad Litem; Dr. Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M.; Amy M., a minor, by and through Dr. Francis Mills, as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad Litem; Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Robert B. S.; Robert B. S., a minor, by and through Robert Elisha Short, as Guardian ad Litem; Dr. Keith A. Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B.; Jorgana Ranson B., a minor, by and through Dr. Keith A. Bridges, as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Dr. John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N.; Erin N., a minor, by and through Dr. John Nobles, as Guardian ad

Litem; Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H.; Krystle H., a minor, by and through Patricia Hampton, as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem; Matlin P. Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P. B.; Tanisha P. B., a minor, by and through Matlin P. Brown, as Guardian ad Litem; James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B.; Dondrea B., a minor, by and through James Berry, as Guardian ad Litem; Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S.; Brenda S., a minor, by and through Gerald Smith, as Guardian ad Litem; Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S., Jr.; Thomas S., Jr., a minor, by and through Thomas Shealy, as Guardian ad Litem,

Plaintiffs,

Of Whom

Allendale County School District, Dillon County School District 2, Florence County School District 4, Hampton County School District 2, Jasper County School District, Lee County School District, Marion County School District 7 and Orangeburg Consolidated School District 3; Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V.; Courtney V., a minor, by and through Lena Manning, as Guardian ad Litem; Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W.; Kathisha W., a minor, by and through Pamela Williams as Guardian ad Litem; Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F.; Brandon F., a minor, by and through Eddie Wright as Guardian ad Litem; Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B.; Tyrin B., a minor, by and through Brenda Brooks as Guardian ad Litem; Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T. and Bradley T.; Bryan T., a minor, by and through Marva Tigner as Guardian ad Litem; Bradley T., a minor, by and through Marva Tigner as Guardian ad Litem; Gail Y. Harriott, individually, and as a taxpayer residing in Lee County and as parent and

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Guardian ad Litem of Rashade H.; Rashade H., a minor, by and through Gail Y. Harriott, as Guardian ad Litem; Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W.; Kimberly W., a minor, by and through Linda Carraway as Guardian ad Litem; Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H.; Russell H., a minor, by and through Bernice Profit, as Guardian ad Litem, are

Appellants / Respondents,

vs.

The State of South Carolina, Mark C. Sanford, as Governor of The State of South Carolina; Glenn F. McConnell, in his representative capacity as President Pro Tempore of the South Carolina Senate and as representative thereof; Robert William Harrell, Jr., as Speaker of the House of Representatives and as a representative of the South Carolina House of Representatives,

Defendants,

Of Whom

Glenn F. McConnell, in his representative capacity as President Pro Tempore of the South Carolina Senate and as representative thereof; Robert William Harrell, Jr., as Speaker of the House of Representatives and as a representative of the South Carolina House of Representatives,

Respondents / Appellants

and

The State of South Carolina and Mark C. Sanford, as Governor of the State of South Carolina are

Respondents.

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

Respondents / Appellants propose the following be included in the Record on

Appeal:

1. Order dated September 20, 1996
2. Order filed June 1, 2001
3. Order dated June 20, 2003
4. Order dated December 3, 2004
5. Order dated December 29, 2005
6. Allendale School District – 2004 Annual District Report Card (see 12/29/05 Order)
7. Dillon 2 School District – 2004 Annual District Report Card (see 12/29/05 Order)
8. Florence 4 School District – 2004 Annual District Report Card (see 12/29/05 Order)
9. Hampton 2 School District – 2004 Annual District Report Card (see 12/29/05 Order)
10. Jasper School District – 2004 Annual District Report Card (see 12/29/05 Order)
11. Lee School District – 2004 Annual District Report Card (see 12/29/05 Order)
12. Marion 7 School District – 2004 Annual District Report Card (see 12/29/05 Order)
13. Orangeburg 3 School District – 2004 Annual District Report Card (see 12/29/05 Order)
14. Order dated July 12, 2007
15. Complaint dated November 1, 1993
16. Second Amended Complaint, filed July 20, 1995
17. Defendants' Motion to Dismiss dated August 14, 1995
18. Plaintiffs' Motion to Amend Complaint filed January 18, 2001
19. Fourth Amended Complaint dated June 30, 2003
20. Fourth Amended Complaint dated July 10, 2003
21. Notice of Cross-Appeal filed by the Senate and the House on August 15, 2007
22. Initial Brief of Appellant – Respondents filed December 13, 2007
23. <http://www.jcsd.net/#> (last visited 2/28/08)
24. http://www.obg3.k12.sc.us/education/components/sectionlist.php?sectiondetailid=5&sc_id=1201012415 (last visited 2/28/08)
25. <http://www.dillon2.k12.sc.us/home/eastmaps.asp> (last visited Feb. 28, 2008).
26. <http://www.dillon2.k12.sc.us/home/shsmaps.asp> (last visited Feb. 28, 2008)
27. <http://www.dillon2.k12.sc.us/home/middleschoomaps.asp> (last visited Feb. 28, 2008).
28. <http://www.dillon2.k12.sc.us/home/bondreferendum> (last visited Feb. 28, 2008)
29. http://www.leeschoolsk12.org/site_res_view_folder.aspx?id=791107b4-0b59-401d-8a76-49b6c9101711 (last visited Feb. 28, 2008)
30. <http://www.theitem.com/apps/pbcs.dll/article?AID=/20071221/ITNEWS01/775490447&SearchID=73306328726290> (last visited Feb, 28, 2008)
31. <http://ed.sc.gov/agency/offices/finance/insite> (last visited Feb. 26, 2008).
32. <http://ed.sc.gov/agency/offices/finance/insite/> (last visited Feb. 26, 2008).
33. <http://ed.sc.gov/agency/offices/assessment/pact/scores.html> (last visited Feb. 26, 2008).

34. <http://www.sceoc.org/CmsPortal/AgencyHomePageTemplate.aspx?NRMODE=Published&NRNODEGUID={6D239C2F-64A3-42EE-A813-8D57402F6EFC}&NRORIGINALURL=/glossaryofterms/&NRCACHEHINT=NoModifyGuest#GraduationRate> (last visited Feb. 26, 2008).
35. Deposition Testimony of Peggy Stafford 4/21/03, pp. 50-51
36. Deposition Testimony of Thomas Monahan 4/22/03, pp. 86-87
37. Deposition Testimony of Polly Elkins 4/23/03, pp. 77-78, p. 90, p. 104, p. 89
38. Deposition Testimony of Jayne Lee 4/23/03, pp. 61-62
39. Deposition Testimony of JaNovice Green-Richardson 4/23/03, pp. 55-57
40. Deposition Testimony of Derrick Weatherford 5/02/03, pp. 62-63
41. Deposition Testimony of Archie Franchini 4/15/03, p. 11, pp. 15-16, p.59
42. Transcript of Trial Testimony 7/30/03, pp. 110-111, pp. 161-164
43. Transcript of Trial Testimony 7/31/03, pp. 83-84, p. 165
44. Transcript of Trial Testimony 8/6/03, p. 12, p. 23, p. 79, p. 119
45. Transcript of Trial Testimony 8/7/03, pp. 98-100
46. Transcript of Trial Testimony 8/11/03, p. 217
47. Transcript of Trial Testimony 8/12/03, p. 21, p. 23, pp. 9-15, pp. 42-44, pp. 62-63
48. Transcript of Trial Testimony 8/13/03, p. 103
49. Transcript of Trial Testimony 8/14/03, pp. 28-29, pp.37-38, p.88
50. Transcript of Trial Testimony 9/22/03, p. 133-134, p. 182
51. Transcript of Trial Testimony 9/23/03, p. 25-27, p. 183-187, p. 162
52. Transcript of Trial Testimony 9/24/03, p. 43
53. Transcript of Trial Testimony 9/26/03, p. 119, p. 121, p. 234, p. 254
54. Transcript of Trial Testimony 9/30/03, p. 18
55. Transcript of Trial Testimony 10/2/03, pp. 179-180,p. 202
56. Transcript of Trial Testimony 10/3/03, p. 19, p. 59
57. Transcript of Trial Testimony 10/6/03, p. 87, p. 89
58. Transcript of Trial Testimony 10/8/03, p. 19
59. Transcript of Trial Testimony 10/9/03, pp. 114-115
60. Transcript of Trial Testimony 1/6/04, p. 13
61. Transcript of Trial Testimony 1/7/04, pp.19-21
62. Transcript of Trial Testimony 1/9/04, pp. 143-145
63. Transcript of Trial Testimony 1/14/04, p. 203
64. Transcript of Trial Testimony 1/15/04, pp. 144-145
65. Transcript of Trial Testimony 1/16/04, p. 40-41, p. 141, p. 188-190, pp. 198-206, pp. 217-218, pp. 223-224, pp. 202 -203
66. Transcript of Trial Testimony 2/9/04, pp. 38-39
67. Transcript of Trial Testimony 2/19/04, pp. 127-128
68. Transcript of Trial Testimony 2/24/04, pp. 57-59
69. Transcript of Trial Testimony 3/3/04, pp. 22-23
70. Transcript of Trial Testimony 3/4/04, p. 173, pp. 195-196, p. 226
71. Transcript of Trial Testimony 3/5/04, pp. 18-19
72. Transcript of Trial Testimony 3/30/04, pp. 3-4, pp.14-15, pp. 17-19, p. 23, p.42
73. Transcript of Trial Testimony 3/31/04, p.10,p. 12, p. 40, pp. 81-82, pp.78-82,
74. Transcript of Trial Testimony 4/2/04, p. 40, pp. 57-58, p. 111, p. 175
75. Transcript of Trial Testimony 4/24/04, pp. 191-192

76. Transcript of Trial Testimony 5/4/04, p. 23, pp. 75-76, p. 79, p. 143-144
77. Transcript of Trial Testimony 5/9/04, p.89-90
78. Transcript of Trial Testimony 6/7/04, pp. 233-241
79. Transcript of Trial Testimony 6/9/04, p. 74, pp. 80-83, pp. 89-90
80. Transcript of Trial Testimony 6/10/04, p. 38, p.179
81. Transcript of Trial Testimony 6/14/04, pp. 205-210, pp. 213- 214 p.217-224, pp. 228-233, pp. 237-239
82. Transcript of Trial Testimony 6/15/04, pp.11-12, pp. 19-20, pp. 33-35, p. 37, pp. 53-54 pp. 97-113, pp. 11-12, pp. 18-25, pp. 33-35, p. 37, pp.53-54, pp. 124-134, pp. 140-146, p. 144-146, pp. 146-147
83. Transcript of Trial Testimony 6/17/04, p. 101
84. Transcript of Trial Testimony 6/21/04, pp. 13-14, p. 44, pp. 46-50, pp. 77-83 pp. 87-89, pp. 93-94, p. 104, p. 111, pp. 116-118, pp. 120-125, pp. 135-136
85. Transcript of Trial Testimony 6/22/04, pp. 68-70, pp.74 - 78
86. Transcript of Trial Testimony 6/28/04, p. 11, pp. 29-34, pp. 36-42, pp. 48-49, p. 52-53, pp. 56-58, pp. 60-65, pp. 67-68, pp. 82-83,p. 94, p. 119, pp.123- 124, p. 127, p. 141, p. 189, p. 193, p. 195, pp. 198, p. 207, p. 210, p. 213
87. Transcript of Trial Testimony 6/29/04, pp.14-23, p. 16, p. 20,p. 22,p. 26, p. 29, p. 36, pp. 44-49, p. 51-52, p. 57, pp. 70-71, pp. 115-117, p. 125
88. Transcript of Trial Testimony 7/2/04, p. 236
89. Transcript of Trial Testimony 7/28/04, p. 127, p.132
90. Transcript of Trial Testimony 8/16/04, p. 38-42, pp. 47-48, pp. 23-24, pp. 38-42, p. 49-50, pp. 60-61, p. 65
91. Transcript of Trial Testimony 8/17/04, pp. 71-72, p. 117
92. Transcript of Trial Testimony 9/20/04, p. 60-62, pp.73-77, pp. 79-80,pp. 82-85, pp. 89-92, p. 98, pp. 100-101, pp. 113-115, pp. 103-107, p. 118, pp.122-123, p. 125, p. 138,pp.169-170, pp. 178-179, pp. 182-183, p. 192, p. 199, pp. 201-202, p.206-209, p. 211-212, p. 215, p. 243
93. Transcript of Trial Testimony 9/21/04, pp. 3-4, pp. 10-27, p.34, pp. 49-51, pp. 60-61, p. 72, pp. 80-84
94. Transcript of Trial Testimony 9/23/04, p. 33-34, pp. 49-50, pp. 73-77, pp. 84-96, p. 185
95. Transcript of Trial Testimony 9/24/04, p. 234
96. Transcript of Trial Testimony 9/29/04, p. 133
97. Transcript of Trial Testimony 9/30/04, pp. 17-18
98. Transcript of Trial Testimony 11/4/04, pp. 110-111, pp. 146-148, pp. 154-155, pp. 164- 166, p. 181, p. 186, pp. 197- 199
99. Defendants' Exhibit 297
100. Defendants' Exhibit 391
101. Defendants' Exhibit 671
102. Defendants' Exhibit 672
103. Defendants' Exhibit 673
104. Defendants' Exhibit 674
105. Defendants' Exhibit 675
106. Defendants' Exhibit 676
107. Defendants' Exhibit 677

108. Defendants' Exhibit 678
109. Defendants' Exhibit 679
110. Defendants' Exhibit 688
111. Defendants' Exhibit 690
112. Defendants' Exhibit 691
113. Defendants' Exhibit 692
114. Defendants' Exhibit 697
115. Defendants' Exhibit 703
116. Defendants' Exhibit 704
117. Defendants' Exhibit 705
118. Defendants' Exhibit 706
119. Defendants' Exhibit 708
120. Defendants' Exhibit 709
121. Defendants' Exhibit 710
122. Defendants' Exhibit 711
123. Defendants' Exhibit 713
124. Defendants' Exhibit 714
125. Defendants' Exhibit 715
126. Defendants' Exhibit 804, p. 8
127. Defendants' Exhibit 894
128. Defendants' Exhibit 2575
129. Defendants' Exhibit 2780, p. 2-3, p. 7
130. Defendants' Exhibit 2800
131. Defendants' Exhibit 2831
132. Defendants' Exhibit 2832
133. Defendants' Exhibit 2833
134. Defendants' Exhibit 2835
135. Defendants' Exhibit 2852
136. Defendants' Exhibit 2869
137. Defendants' Exhibit 2870
138. Defendants' Exhibit 2870A
139. Defendants' Exhibit 2880
140. Defendants' Exhibit 2971
141. Defendants' Exhibit 2976
142. Defendants' Exhibit 2983
143. Defendants' Exhibit 2987
144. Defendants' Exhibit 2991
145. Defendants' Exhibit 2997
146. Defendants' Exhibit 3004
147. Defendants' Exhibit 3009
148. Defendants' Exhibit 3074
149. Defendants' Exhibit 3131 p. 40, p. 41
150. Defendants' Exhibit 3149
151. Defendants' Exhibit 3164
152. Defendants' Exhibit 3166
153. Defendants' Exhibit 3167


154. Defendants' Exhibit 3168
155. Defendants' Exhibit 3169
156. Defendants' Exhibit 3170
157. Defendants' Exhibit 3171
158. Defendants' Exhibit 3172
159. Defendants' Exhibit 3183
160. Defendants' Exhibit 3185
161. Defendants' Exhibit 3186
162. Defendants' Exhibit 3187
163. Defendants' Exhibit 3188
164. Defendants' Exhibit 3189
165. Defendants' Exhibit 3195
166. Defendants' Exhibit 3217
167. Defendants' Exhibit 3204
168. Defendants' Exhibit 3225 pp. 262-63
169. Defendants' Exhibit 3245 A - AL
170. Defendants' Exhibit 3254 A
171. Defendants' Exhibit 3254 R
172. Defendants' Exhibit 3254 BL
173. Defendants' Exhibit 3254BM
174. Defendants' Exhibit 3254BN
175. Defendants' Exhibit 3254 I
176. Defendants' Exhibit 3261
177. Defendants' Exhibit 3263
178. Defendants' Exhibit 3264
179. Defendants' Exhibit 3265
180. Defendants' Exhibit 3266
181. Defendants' Exhibit 3267
182. Defendants' Exhibit 3268
183. Defendants' Exhibit 3280
184. Defendants' Exhibit 3283
185. Defendants' Exhibit 3284
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191. Defendants' Exhibit 3290
192. Defendants' Exhibit 3291
193. Defendants' Exhibit 3292
194. Defendants' Exhibit 3293
195. Defendants' Exhibit 3294
196. Defendants' Exhibit 3307 p. 13,16
197. Defendants' Exhibit 3315 p. 6-16
198. Defendants' Exhibit 3317
199. Defendants' Exhibit 3318

200. Defendants' Exhibit 3319
201. Defendants' Exhibit 3320
202. Defendants' Exhibit 3321
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210. Defendants' Exhibit 3329
211. Defendants' Exhibit 3330
212. Defendants' Exhibit 3331
213. Defendants' Exhibit 3332
214. Defendants' Exhibit 3333
215. Defendants' Exhibit 3334
216. Defendants' Exhibit 3335
217. Defendants' Exhibit 3336
218. Defendants' Exhibit 3342 p. 33,34,35, 37, 38,39,40,42,44, 45,
46,47,49,50,51,52,57, 58,59,60,62,63,64,66,67, 68,70,71,72,73,74,75,76,77,78,
79,81,84,85,86,87,88,89,90 91,92,93,94,95, 97,98, 99, 100,
101,102,103,104,105,106,107,108,104,112, 114, 116, 118
219. Defendants' Exhibit 3346
220. Defendants' Exhibit 3350
221. Defendants' Exhibit 391
222. Plaintiffs' Exhibit 251-C
223. Plaintiffs' Exhibit 5024
224. Plaintiffs' Exhibit 6021
225. Plaintiffs' Exhibit 6149
226. Plaintiffs' Exhibit 6207
227. Plaintiffs' Exhibit 6208
228. Plaintiffs' Exhibit 6209
229. Plaintiffs' Exhibit 6214
230. Plaintiffs' Exhibit 6215
231. Plaintiffs' Exhibit 6216
232. Plaintiffs' Exhibit 6217
233. Plaintiffs' Exhibit 6312
234. Plaintiffs' Exhibit 6313
235. Plaintiffs' Exhibit 6314
236. Plaintiffs' Exhibit 6352A
237. Plaintiffs' Exhibit 6859E

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

[signature page below]

February 28, 2008



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