

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Jean H. Toal, Circuit Court Judge

Appellate Case No.: 2016-002525
Consolidated Civil Action No.: 2015-CP-10-2389

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APR 12 2017

SC Court of Appeals

Amy Garrard and Lee Garrard, Guardians Ad Litem for R.C.G., A Minor;
and Dean Frailey and Kathryn Frailey, Guardians Ad Litem for C.F., A Minor,
Richard Nelson and Cheryl Nelson, Guardians Ad Litem for D.G.N., A Minor;
Adam Olsen Ackerman; and A.E.P., III, Plaintiffs,

v.

Charleston County School District, Kevin Clayton, Axxis Consulting Company,
and Jones Street Publishers, LLC, Defendants,

And

Eugene Walpole, Plaintiff,

v.

Charleston County School District, Kevin Clayton, Axxis Consulting Company,
and Jones Street Publishers, LLC, Defendants,

Of Whom Eugene Walpole, Amy Garrard and Lee Garrard, Guardians Ad
Litem for R.C.G., A Minor; and Dean Frailey and Kathryn Frailey, Guardians Ad
Litem for C.F., A Minor, Richard Nelson and Cheryl Nelson, Guardians Ad
Litem for D.G.N., A Minor; Adam Olsen Ackerman; and A.E.P., III, are the Appellants,

And

Of Whom Jones Street Publishers, LLC is the Respondent.

**APPELLANTS' DESIGNATION OF MATTER
TO BE INCLUDED IN RECORD ON APPEAL**

Appellants designate the following items for inclusion in the Record on Appeal, in addition to the materials designated by the Respondent.

- 1) Academic Magnet's Summons and Complaint filed November 21, 2014;
- 2) Walpole's Summons and Complaint filed December 16, 2014;
- 3) Defendant Jones Street Publishers, LLC's Motion to Dismiss filed January 20, 2015;
- 4) Order Denying Defendant's Motion to Dismiss filed July 7, 2015;
- 5) Defendant Jones Street Publishers, LLC's Motion for Summary Judgment filed April 29, 2016;
- 6) Appellant's Memorandum of Law in Opposition to Jones Street Publishers, LLC'S Motion for Summary Judgment
- 7) Order Granting Defendant Jones Street Publishers, LLC's Motion for Summary Judgment filed November 18, 2016;
- 8) Motion Hearing Transcript from October 11, 2016;
- 9) Academic Magnet's Notice of Appeal filed December 19, 2016;
- 10) Walpole's Notice of Appeal filed December 19, 2016;
- 11) Deposition Testimony of Daniel Nelson dated August 4, 2015:
 - Pages 26-27, 30, 34, 36, 38-40, 42-45, 47, 54, 57, 59-60, 63, 68-69, 72-74, 80;
- 12) Deposition Testimony of Adam Ackerman dated August 3, 2015:
 - Page 15-16, 24-26, 34-39, 41-42;
- 13) Deposition Testimony of Robert Garrard dated August 4, 2015:
 - Pages 15-17, 20, 25-26, 28, 41;
- 14) Deposition Testimony of Arthur Perry dated August 4, 2015:

- Pages 18-20, 23, 28-29, 40-42;
- 15) Deposition Testimony of Conner Frailey dated August 3, 2015:
 - Pages 19, 22-23, 26-27, 36-40, 45-48, 51-52, 77;
 - 16) Deposition Testimony of Reece Moore dated August 3, 2015:
 - Pages 29, 33-38, 41-42, 47-48, 57-58, 61-62, 65-67, 76, 103-105;
 - 17) Deposition Testimony of Eugene Walpole dated December 16, 2015;
 - 18) Deposition Testimony of Michael Miller dated March 20, 2015;
 - 19) Deposition Testimony of Nancy McGinley dated August 8, 2016;
 - 20) Deposition Testimony of Judith Peterson dated March 20, 2015;
 - 21) *Charleston City Paper* Article by Chris Hair entitled “Melongate: Big toothy grins, watermelons, and monkey sounds don’t mix”;
 - 22) *Charleston City Paper* Article entitled “District: AMHS football team’s watermelon ritual included ‘monkey sounds,’ ‘caricature.’ Coach removed after complaint of ‘animalistic’ sounds following defeat of majority-black team”;
 - 23) *Charleston City Paper* Article entitled “Mob Rules. School district forces out superintendent who fired coach who condoned racist ritual”;
 - 24) Video of McGinley Press Conference on October 21, 2014;
 - 25) *Charleston City Paper* Article entitled “I am a racist and damn proud of it”;
 - 26) Affidavit of Chris Haire in Support of Motion for Summary Judgment on Behalf of Jones Street Publishers, LLC;

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

~SIGNATURE TO FOLLOW ON NEXT PAGE~

PETERS, MURDAUGH, PARKER, ELTZROTH
& DETRICK, P.A.

April 11, 2017
Hampton, South Carolina

BY: Wil. Barnes

John E. Parker
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ATTORNEYS FOR APPELLANT

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And

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Litem for C.F., A Minor, Richard Nelson and Cheryl Nelson, Guardians Ad
Litem for D.G.N., A Minor; Adam Olsen Ackerman; and A.E.P., III, are the Appellants,

And

Of Whom Jones Street Publishers, LLC is the Respondent.

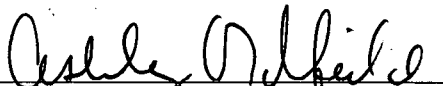
CERTIFICATE OF SERVICE

This is to certify that I, **Ashley N. Oldfield**, with the Law Firm of Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A., Attorneys for the Appellants, have this date mailed via the U.S. Postal Service with first class postage prepaid, a true and correct copy of the within **Appellants' Initial Brief and Designation of Matter to be Included in the Record on Appeal** to:

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Meliah Bowers Jefferson, Esquire
Christopher B. Schoen, Esquire
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Ashley N. Oldfield

April 11, 2017
Hampton, South Carolina

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* INACTIVE

April 11, 2017

The Honorable Jenny Abbott Kitchings
S.C. Court of Appeals Clerk of Court
Post Office Box 11629
Columbia, SC 29211-1629

Re: Eugene Walpole, et al. v. Charleston County School Dist, et al.
Consolidated Civil Action No.: 2015-CP-10-2389
Appellate Case No.: 2016-002525

Dear Ms. Kitchings:

Please find enclosed the original and two copies of *Appellant's Initial Brief, Designation of Matter to be Included in the Record on Appeal*, and *Certificate of Service* in the above-referenced matter. Please file the originals and return clocked-in copies of each in the envelope provided.

By copy of this letter, Appellant's Initial Brief and Designation of Matter are being served on all counsel of record.

With kind regards, I am

Sincerely,



William F. Barnes, III

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WFB/ano
Enclosures as stated

cc: Wallace K. Lightsey, Esquire
Meliah Bowers Jefferson, Esquire
Christopher B. Schoen, Esquire
William H. Davidson, II, Esquire
Kevin L. Clayton



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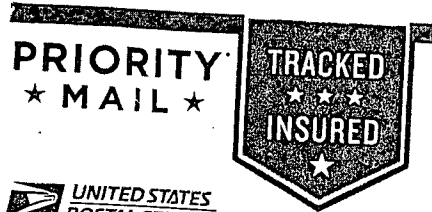
PMPED

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TO:

The Honorable Jenny Abbott Kitchings
 S.C. Court of Appeals Clerk of Court
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