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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
DeAndrea Gist Benjamin, Circuit Court Judge

Case No. 2016-CP-40-06276

RECEIVED
FEB 23 2018
SC Court of Appeals

Opternative, Inc., Appellant,

v.

South Carolina Board of Medical Examiners, Respondents,

and

The South Carolina Department of Labor, Licensing
& Regulation, and the South Carolina Optometric
Physicians Association Respondents-
Intervenors.

NOTICE OF APPEAL

Opternative, Inc. ("Appellant"), appeals the attached Order of Judgment electronically filed by the Honorable DeAndrea Gist Benjamin on January 26, 2018, and received in written form by Appellant the same day via electronic delivery.

[Signature Page Attached]


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Respectfully submitted,

INSTITUTE FOR JUSTICE

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Columbia, South Carolina
February 22, 2018.

Other Counsel of Record:

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Attorney for Respondent-Intervenor

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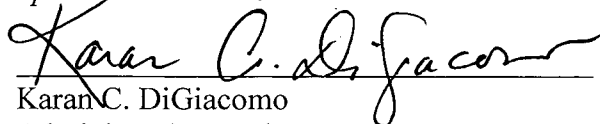
PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Opternative, Inc., do hereby certify that I have served all counsel in this action with a copy of the pleading hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following addresses:

Pleading: Notice of Appeal

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February 23, 2018

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Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
The South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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RE: Opternative, Inc. v. South Carolina Board of Medical Examiners *et al.*
Case No. 2016-CP-40-06276
Our File No. 049516/01500

Dear Ms. Kitchings:

Enclosed please find the original and one copy of a Notice of Appeal in the above-referenced matter. We ask that you file the original and return a clocked-in copy to us via our courier. Also enclosed is our check in the amount of \$100 as the required filing fee. By copy of this letter to counsel of record, we are serving him with a copy.

Very truly yours,



Miles E. Coleman

Enclosures

CC: The Hon. DeAndrea G. Benjamin
Eugene H. Matthews, Esquire
Kirby D. Shealy III, Esquire