

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Opternative, Inc.,

Plaintiff,

vs.

South Carolina Board of Medical
Examiners,

and

South Carolina Department of Labor,
Licensing, and Regulation,

Defendants.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Civil Action No. 2016-CP-40-06276

RICHLAND COUNTY
FILED
2016 NOV -4 AM 10:31
JENNIFER W. MCBRIDE
C.C.P. & G.S.

RECEIVED
MAR 05 2018
SC Court of Appeals

**ORDER FOR ADMISSION *PRO HAC VICE*
FOR ROBERT J. MCNAMARA**

On the Motion of Miles E. Coleman and William C. Wood, Jr., counsel for Opternative, Inc., and based on the Affidavit and Certificate of Standing submitted to the Court,

IT IS HEREBY ORDERED that, pursuant to Rule 404 of the South Carolina Appellate Court Rules, Robert J. McNamara is admitted *pro hac vice* as counsel for Opternative, Inc. in this matter.

AND IT IS SO ORDERED.


The Honorable DeAndrea G. Benjamin
Richland County, South Carolina

11-1, 2016.

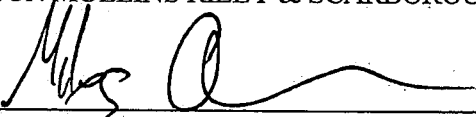
SCANNED

SCANNED

3. This motion is supported by the attached Verified Application for Admission *Pro Hac Vice* and Certificate of Good Standing of Robert J. McNamara for the state of Virginia, copies of which has been served on the South Carolina Supreme Court Office of Bar Admissions, along with a \$250.00 payment to the South Carolina Supreme Court, pursuant to Rule 404 of the South Carolina Appellate Court Rules.

THEREFORE, the movant prays for an Order of this Court permitting the appearance Robert J. McNamara, *pro hac vice* in this action as counsel for Plaintiff Opternative, Inc.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

Miles E. Coleman
SC Bar No. 78264
E-Mail: miles.coleman@nelsonmullins.com
William C. Wood, Jr.
SC Bar No. 015111
E-Mail: bill.wood@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
Tel: (803) 799-2000

Attorneys for Opternative, Inc.

Columbia, South Carolina
October 21, 2016.

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA**

Operative, Inc.	2016-CF-40-06276	Ct. Common Pleas, 5th Jud. Cir.
Plaintiff	Case No.	Tribunal

VS.

Mailing Address of Tribunal: Richland County Judicial Center

South Carolina Board of Medical
Examiners, et al.,
Defendant

1701 Main Street
Columbia, SC 29201

Comes now Robert J. McNamara, applicant herein, and respectfully represents the following:

1. Applicant resides at:

9639 Lindenbrook St

Street Address

Fairfax

Fairfax

VA

22031

City

County

State

Zip Code

(917) 209-4658

Telephone

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of)

Institute for Justice, with offices at

901 North Glebe Road, Suite 900

Street Address

Arlington

Arlington

 $\dot{V}_A$

22203

City

County

State

Zip Code

(703) 682-9320

N/A

(703) 682-9321

rmcnamara@ij.org

Primary Telephone

Cell Phone

Fax Number

Email Address

3. Applicant has been retained personally or as a member of the above-named law firm by

Opternative, Inc. to provide legal representation in connection with the above case now pending before the above-named tribunal of the State of South Carolina.

4. Since October of 2006

4. Since October of 2006, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of

Virginia where applicant regularly practices law. Attached is a certificate of good standing dated within the last 90 days from the bar of the highest court of the District of Columbia or the State where applicant regularly practices law.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:	Date Admitted:
See Attachment A.	

Court:	Date Admitted:

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

Yes.

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court date):

None.

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

No applications denied or revoked.

8. Applicant never has had any certificate or privilege to appear and practice before any court or administrative body suspended or revoked, except as provided below (give particulars, e.g., date, court, administrative body, date of suspension and reinstatement):

No certificates or privileges to appear and practice have been suspended or revoked.

9. Local counsel of record associated with applicant in this case is Miles E. Coleman
of the Nelson Mullins Riley & Scarborough LLP law firm, which has offices at:

Meridian, 17th Floor, 1320 Main Street

Street Address

<u>Columbia</u>	<u>Richland</u>	<u>SC</u>	<u>29201</u>
City	County	State	Zip Code
<u>(803) 255-5549</u>		<u>(803) 255-5908</u>	<u>miles.coleman@nelsonmullins.com</u>
Primary Telephone	Cell Phone	Fax Number	Email Address

78264

South Carolina Bar Number

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

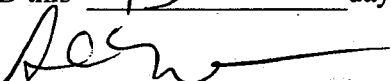
Billups v. City of Charleston, No. 2:16-cv-0264 (U.S. Dist. Ct., Dist. of SC). Status: Discovery. Application filed: 02/02/16. Local Counsel: Sean O'Connor, Finkel Law Firm. Application granted.

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional

Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above-named tribunal for this case only.

DATED this 13 day of October, 2016

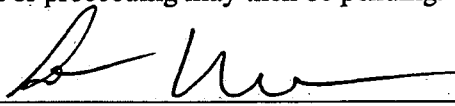

APPLICANT

VERIFICATION

STATE OF Virginia

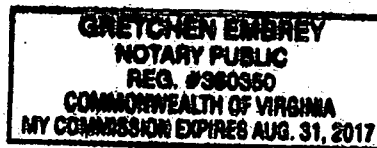
COUNTY OF Arlington

I, Robert J. McNamara, do hereby swear or affirm under penalty of perjury that I am the applicant in the above-styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true. I understand that I am under a continuing duty to promptly update the information provided in the application until the tribunal has ruled on the motion for admission pro hac vice. Further, if the motion is granted, I understand that I am under a continuing duty to promptly update the information provided in the application as long as I continue to appear pro hac vice in the action or proceeding. Any updated information shall be provided to both the tribunal that granted the motion and to the tribunal in which the action or proceeding may then be pending.


APPLICANT/AFFIANT

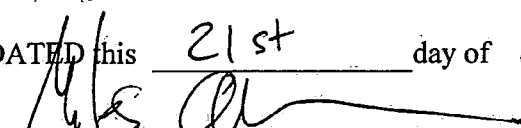
Subscribed and sworn to before me this 13th day of October, 20 16


Notary Public for the State of Virginia
My Commission Expires: 8.31.17



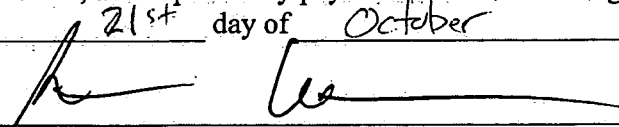
LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 21st day of October, 20 16

LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this

21st day of October, 20 16

APPLICANT/AFFIANT

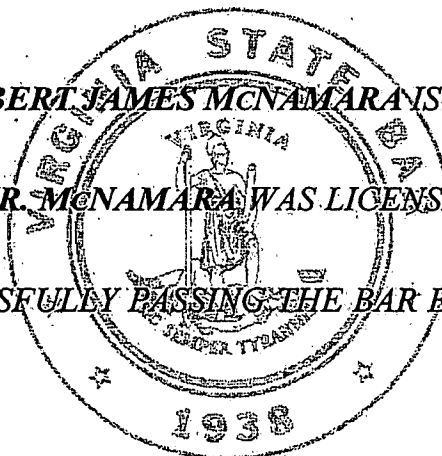
ATTACHMENT A

Court	Date Admitted
U.S. Supreme Court	January 11, 2010
U.S. Court of Appeals for the Second Circuit	October 27, 2008
U.S. Court of Appeals for the Third Circuit	August 26, 2009
U.S. Court of Appeals for the Fourth Circuit	February 18, 2011
U.S. Court of Appeals for the Seventh Circuit	February 6, 2009
U.S. Court of Appeals for the Ninth Circuit	April 28, 2010
U.S. Court of Appeals for the District of Columbia Circuit	April 15, 2013
U.S. District Court for the Eastern District of Virginia	October 29, 2010

VIRGINIA STATE BAR

CERTIFICATE OF GOOD STANDING

THIS IS TO CERTIFY THAT **ROBERT JAMES McNAMARA** IS AN ACTIVE MEMBER OF THE VIRGINIA STATE BAR IN GOOD STANDING. **MR. McNAMARA** WAS LICENSED TO PRACTICE LAW IN VIRGINIA ON **OCTOBER 12, 2006, AFTER SUCCESSFULLY PASSING THE BAR EXAMINATION GIVEN BY THE VIRGINIA BOARD OF BAR EXAMINERS.**



Issued September 27, 2016

A handwritten signature in black ink, appearing to read "Karen A. Gould". The signature is fluid and cursive, with a large loop at the end.

KAREN A. GOULD
EXECUTIVE DIRECTOR AND
CHIEF OPERATING OFFICER

CERTIFICATE OF SERVICE¹

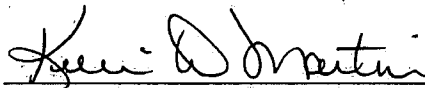
I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Opternative, Inc., do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States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

Pleadings:

Counsel Served:

South Carolina Board of Medical Examiners
110 Centerview Drive
Columbia, SC 29210

South Carolina Department of Labor,
Licensing, and Regulation
110 Centerview Drive
Columbia, SC 29210



Kelli Diamond Martin
Administrative Assistant

October 21st, 2016.

¹ Neither defendant has yet appeared in this lawsuit, thus Plaintiff is serving this motion on the Defendants directly rather than upon their counsel.

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Opternative, Inc.)

Plaintiff,)

vs.)

South Carolina Board of Medical Examiners
and the South Carolina Department of Labor,
Licensing, and Regulation)

Defendant.)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO.: 2016-CP-40-06276

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

2016 NOV -4 AM 10:30
RICHLAND COUNTY
FILED
JEANNETTE M. MCBRIDE
C.C.P. & G.S.

Plaintiff's Attorney:

Miles E. Coleman, Bar No. 78264

Address:

1320 Main Street, 17th Floor, Columbia, SC
29201

Phone: 803.255.5549 Fax 803.255.5908

E-mail:

miles.coleman@nelsonmullins.com Other: _____

Defendant's Attorney:

None have yet appeared, Bar No. _____

Address:

Phone: _____ Fax: _____

E-mail: _____ Other: _____

2016 OCT 21 PM 4:00
RICHLAND COUNTY
FILED
JEANNETTE M. MCBRIDE
C.C.P. & G.S.

- ☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and II)
☒ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
☒ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: _____

Estimated Time Needed: _____

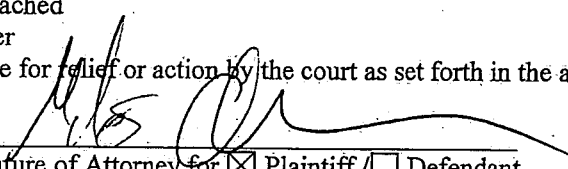
Court Reporter Needed: ☐ YES/☐ NO

SECTION II: Motion/Order Type

☒ Written motion attached

☒ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.


Signature of Attorney for ☒ Plaintiff/☐ Defendant

October 21, 2016

Date submitted

SECTION III: Motion Fee

☒ PAID - AMOUNT: \$ 25⁰⁰/₁₀₀

☐ EXEMPT:

(check reason)

☐ Rule to Show Cause in Child or Spousal Support

☐ Domestic Abuse or Abuse and Neglect

☐ Indigent Status ☐ State Agency v. Indigent Party

☐ Sexually Violent Predator Act ☐ Post-Conviction Relief

☐ Motion for Stay in Bankruptcy

☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)

☐ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: _____

☐ Other: _____

JUDGE'S SECTION

☐ Motion Fee to be paid upon filing of the attached order.

☐ Other: _____

JUDGE CODE _____

Date: _____

SCANNED

CLERK'S VERIFICATION

Collected by: M Date Filed: 11-3-16

☐ MOTION FEE COLLECTED: \$ _____

☐ CONTESTED - AMOUNT DUE: \$ _____

SCCA 233 (11/2003)

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Opternative, Inc.

Plaintiff,

vs.

South Carolina Board of Medical Examiners
and the South Carolina Department of Labor,
Licensing, and Regulation

Defendant.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO.: 2016-CP-40-06276

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

RICHLAND COUNTY
FILED
2016 NOV - 10 AM 10:39
JEANETTE S. HARRIS
C.C. CLERK

Plaintiff's Attorney:

Miles E. Coleman, Bar No. 78264

Address:

1320 Main Street, 17th Floor, Columbia, SC
29201

Phone: 803.255.5549 Fax 803.255.5908

E-mail:

miles.coleman@nelsonmullins.com Other:

Defendant's Attorney:

None have yet appeared, Bar No. _____

Address:

Phone: _____ Fax: _____

E-mail: _____ Other: _____

☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)

☒ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)

☒ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: _____

Estimated Time Needed: _____ Court Reporter Needed: ☐ YES/ ☐ NO

SECTION II: Motion/Order Type

☒ Written motion attached

☒ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☒ Plaintiff/ ☐ Defendant

October 21, 2016

Date submitted

SECTION III: Motion Fee

☒ PAID - AMOUNT: \$ 25.00

☐ EXEMPT:

(check reason)

☐ Rule to Show Cause in Child or Spousal Support

☐ Domestic Abuse or Abuse and Neglect

☐ Indigent Status ☐ State Agency v. Indigent Party

☐ Sexually Violent Predator Act ☐ Post-Conviction Relief

☐ Motion for Stay in Bankruptcy

☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)

☐ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: _____

☐ Other: _____

JUDGE'S SECTION

☐ Motion Fee to be paid upon filing of the attached
order.

☐ Other:

JUDGE CODE _____

Date: _____

SCANNED

CLERK'S VERIFICATION

Collected by: JM Date Filed: 11.3.16

☐ MOTION FEE COLLECTED: \$ _____

☐ CONTESTED - AMOUNT DUE: \$ _____

SCCA 233 (11/2003)

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NUMBER: **2016CP4006276**

Opternative Inc

South Carolina Board Of Medical Examiners

PLAINTIFF(S)

South Carolina Dept Of Labor Licensing And Regulation
DEFENDANT(S)

Submitted by: _____

Attorney for : ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Of. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other _____
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other _____
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge _____ Judge Code _____ Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 7 day of Nov, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

Miles Edward Coleman

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court

Jeannette W. McBride

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law

104 South Main Street / Ninth Floor / Greenville, SC 29601

Tel: 864.250.2300 Fax: 864.250.2328

www.nelsonmullins.com

Miles E. Coleman

Tel: 864.373.2352

miles.coleman@nelsonmullins.com

March 2, 2018

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

RECEIVED
MAR 05 2018
SC Court of Appeals

RE: Opternative, Inc. v. South Carolina Board of Medical Examiners *et al.*
Appellate Case No. 2018-000326
Our File No. 049516/01500

Dear Ms. Kitchings:

Pursuant to Rule 404(c), SCACR, enclosed please find Orders for Admission *Pro Hac Vice* for Robert J. McNamara and Joshua A. Windham dated November 1, 2016, in the Court of Common Pleas of Richland County. Mr. McNamara and Mr. Windham will be associated with the undersigned member of the South Carolina Bar. By copy of this letter to counsel of record, we are serving them with a copy of this filing.

Very truly yours,



Miles E. Coleman
SC Bar No. 78264

Enclosures

cc: Eugene H. Matthews, Esquire
Kirby D. Shealy III, Esquire

Hasler

FIRST-CLASS MAIL

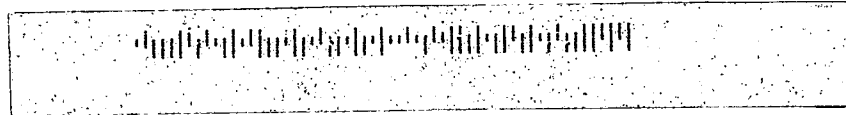
03/02/2018

US POSTAGE

\$02.05⁰



ZIP 29601
011D11645516



NELSON MULLINS

Post Office Box 10084

Greenville, SC 29603-0084

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

RECEIVED
MAR 05 2018
SC Court of Appeals