

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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OCT 11 2019
SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Doyet A. Early, Circuit Court Judge

Appellate Case No. 2019-000648
Civil Action No. 2018-CP-40-02425

Jefferson Davis, Jr. Appellant,

v.

Ellen Weaver, Chad Connelly, Oran P. Smith, Neil J. Mellen, Howard S. Rich, Rick Reams, Stephen D. Kirkland, Palmetto Promise Institute, Palmetto Family Council, Palmetto Family Action, South Carolinians for Responsible Government, SCRG Foundation, Access Opportunity South Carolina, Friedman Foundation for Educational Choice, Inc., Cato Institute, South Carolina Educational Credit for Exceptional Needs Children Fund, South Carolina Education Oversight Committee, South Carolina Dept. of Revenue, South Carolina Dept. of Labor, Licensing and Regulation, First Impressions, Inc. d/b/a/ Richard Quinn & Associates, First Tuesday Strategies, LLC, Bill Wilson, Jason Bedrick, Jim DeMint, Randy Page, Tony Denny, Phillip Cease, Melanie Barton, Doris Cubitt, Susan Thomas, John McCormick, Nate Leupp, Institute of Management Consultants USA & John Doe(s) 1-40 Respondents.

**RESPONDENT SOUTH CAROLINA EDUCATIONAL CREDIT FOR
EXCEPTIONAL NEEDS CHILDREN FUND'S
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 209, SCACR, Respondent South Carolina Educational Credit for Exceptional Needs Children Fund's ("ECMCF") designates the following matter for inclusion in the record on appeal. The undersigned counsel certifies pursuant to Rule 209(c), SCACR, that this designation contains no matter irrelevant to the appeal.

Jefferson Davis, Jr. v. Ellen Weaver, et al. (Civil Action No. 2017-CP-10-04371)

Orders

1. The Honorable DeAndrea Gist Benjamin's Order (Oct. 29, 2019).

2. The Honorable DeAndrea Gist Benjamin's Amended Order (Oct. 30, 2019).
3. The Honorable Doyet A. Early's Order (Feb. 19, 2019).
4. The Honorable Doyet A. Early's Order (Mar. 27, 2019).

Pleadings

5. Complaint (May 3, 2018)
6. Amended Complaint (Nov. 19, 2019)

Transcripts

7. Transcript of Hearing on Defendants Weaver's and Palmetto Promise Institute's Motions to Dismiss (Oct. 1, 2018).
8. Transcript of Hearing on Motions to Dismiss (Feb. 19, 2019).

Motions, Memoranda, & Other Materials

9. Defendants Weaver's and Palmetto Promise Institute's Motion to Dismiss (June 7, 2018).
10. Defendants Weaver's and Palmetto Promise Institute's Memorandum in Support of Defendants' Motion to Dismiss (Sept. 26, 2018).
11. Plaintiff's Response in Opposition to Motion to Dismiss & Alternative Motion (Sept. 27, 2018).
12. Proof of Service – South Carolina Educational Credit for Exceptional Needs Children Fund (Dec. 10, 2018).
13. South Carolina Educational Credit for Exceptional Needs Children Fund's Motion to Dismiss (Dec. 14, 2018).
14. South Carolina Educational Credit for Exceptional Needs Children Fund's Motion for Protective Order (Dec. 14, 2018).
15. S.C. Dept. of Revenue's and Rick Reames' Motion to Dismiss (Dec. 21, 2018).
16. Stephen Kirkland's Motion to Dismiss (Dec. 21, 2018).
17. Randy Page's Motion to Dismiss (Dec. 21, 2018).
18. Palmetto Family Council's Motion to Dismiss (Dec. 26, 2018).
19. SCRG Foundation's Motion to Dismiss (Dec. 26, 2018).
20. S.C. Education Oversight Commission's Motion to Dismiss (Dec. 28, 2018).
21. First Tuesday Strategies, LLC's Motion to Dismiss (Jan. 7, 2019).
22. Institute of Management Consultants, USA's Motion to Dismiss (Jan. 11, 2019).
23. Phillip Cease's Motion to Dismiss (Jan. 15, 2019).
24. Cato Institute's and Howard S. Rich's Motion to Dismiss (Jan. 15, 2019).
25. South Carolinians for Responsible Government's Motion to Dismiss (Jan. 17, 2019).
26. Doris Cubit's Motion to Dismiss (Jan. 25, 2019).
27. S.C. Dept. of Labor, Licensing, and Regulation's Motion to Dismiss (Jan. 25, 2019).
28. First Impressions, Inc.'s Motion to Dismiss (Jan. 29, 2019).
29. Friedman Foundation for Educational Choice's Motion to Dismiss (Jan. 29, 2019).
30. S.C. Education Oversight Committee's Memorandum in Support of Motion (Feb. 6, 2019).
31. Cato Institute's and Howard S. Rich's Memorandum in Support of Motion (Feb. 6, 2019).
32. Stephen Kirkland's Memorandum in Support of Motion (Feb. 6, 2019).
33. SCRG Foundation's Memorandum in Support of Motion (Feb. 6, 2019).

34. Institute of Management Consultants, USA's Memorandum in Support of Motion (Feb. 8, 2019).
35. South Carolina Educational Credit for Exceptional Needs Children Fund's Memorandum in Support of Motion to Dismiss (Feb. 10, 2019).
36. Randy Page's Memorandum in Support of Motion (Feb. 11, 2019).
37. First Tuesday Strategies, LLC's Memorandum in Support of Motion (Feb. 11, 2019).
38. Tony Denny's Motion to Dismiss (Feb. 15, 2019).
39. Plaintiff's Motion for Reconsideration of Order (Mar. 6, 2019).

Jefferson Davis, Jr. v. South Carolina Educational Credit for Exceptional Needs Children Fund (Civil Action No. 2017-CP-23-04748/2017-CP-40-06976)

Orders

40. The Honorable Perry H. Gravely's Form 4 Order (Nov. 7, 2017).
41. The Honorable DeAndrea Gist Benjamin's Order (Dec. 21, 2018).
42. The Honorable DeAndrea Gist Benjamin's Order (July. 8, 2019).

Pleadings

43. Complaint for FOIA Enforcement (July 31, 2017).
44. Answer (Nov. 20, 2017).

Motions, Memoranda, & Other Materials

45. Defendant's Motion for Summary Judgment (Aug. 17, 2018).
46. Defendant's Memo in Support of Motion for Summary Judgment (Aug. 17, 2018).
47. Defendant's Motion for Judgment on the Pleadings (Aug. 17, 2018).
48. Defendant's Memo in Support of Motion for Judgment on the Pleadings (Aug. 17, 2018).
49. Defendant's Revised Memo in Support of Motion for Judgment on the Pleadings (Sept. 29, 2018).
50. Plaintiff's Motion for Reconsideration of Final Order (Jan. 7, 2019).
51. Defendant's Reply in Opposition to Plaintiff's SCRCR Rule 59(e) Motion (Jan. 7, 2019).
52. Defendant's Supplemental Memo in Opposition to Plaintiff's SCRP Rule 59(e) Motion (Jan 28, 2019).
53. Notice of Appeal (Aug. 1, 2019).

[Separate Signature Page Follows]

Respectfully submitted,



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***Attorneys for Defendant South Carolina
Educational Credit for Exceptional Needs
Children Fund***

October 9, 2019

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PROOF OF SERVICE

I, the undersigned employee of Barnwell Whaley Patterson & Helms, LLC, herby certify that pursuant to Rules 208, 209, and 262(b), SCACR, I have served the *Initial Brief of Respondent South Carolina Educational Credit for Exceptional Needs Children Fund* and *Respondent South Carolina Educational Credit for Exceptional Needs Children Fund's Designation of Matter to be Included in Record on Appeal* in this matter upon the Clerk of the South Carolina Court of Appeals, all counsel of record, and all pro se parties by delivering a

copy or mailing a copy by United States Mail, postage prepaid, on October 9, 2019, to the following addresses:

The Honorable Jenny Abbot Kitchings
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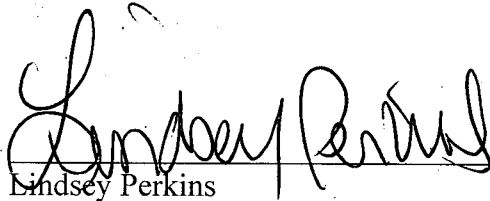
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Lindsey Perkins

October 9, 2019



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

RE: Jefferson Davis, Jr. v. Ellen Weaver, et al.
Appellate Case No. 2019-000648
Our Matter No. 2026.116

Dear Ms. Kitchings:

Enclosed for filing are the original and one copy of each of the following:

- (1) Initial Brief of Respondent South Carolina Educational Credit for Exceptional Needs Children Fund;
- (2) Respondent South Carolina Educational Credit for Exceptional Needs Children Fund's Designation of Matter for Inclusion in the Record on Appeal; and
- (3) Proof of Service.

Please file the originals and return clocked copies to me in the enclosed envelope.

By copy of this letter, I am also serving a copy of these documents upon all counsel of record.

Sincerely,

Justin P. Novak

JPN/lp
Enclosures
cc: Jefferson Davis, Jr., pro se (via U.S. Mail w/ encls.)

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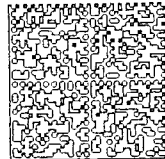
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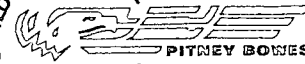
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