

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**  
NOV 07 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 EdCHOICE INC., FORMERLY KNOWN AS AND INCORRECTLY IDENTIFIED AS FRIEDMAN FOUNDATION FOR EDUCATIONAL CHOICE, INC.'S DESIGNATION OF MATTER FOR THE RECORD ON APPEAL**

In the interest of economy and efficiency, and pursuant to Rule 209, SCACR, Respondent EdChoice Inc., formerly known as and incorrectly identified as Friedman Foundation for Educational Choice, Inc. adopts and incorporates by reference the Designation of Matter filed by co-Respondents Cato Institute and Howard S. Rich. EdChoice also designates the following for inclusion in the record on appeal.

1. Motion to Dismiss and attachments thereto of Respondent, EdChoice Inc., formerly known as and incorrectly identified as Friedman Foundation for Educational Choice, Inc.

Undersigned counsel certifies pursuant to Rule 209(c), SCACR that the designation contains no matter irrelevant to the appeal.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By:   
Christopher J. Daniels  
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And

Joseph C. Chapelle  
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Attorney for Respondent EdChoice Inc.  
formerly known as and incorrectly identified  
as Friedman Foundation for Educational  
Choice, Inc.

November 7, 2019

Columbia, South Carolina

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CERTIFICATE OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Friedman Foundation for Educational Choice, 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 **Electronic Mail** and United States Mail, postage prepaid, to the following address(es):

Pleadings:


Initial Brief of Respondent EdChoice Inc., formerly known as and incorrectly identified as Friedman Foundation for Educational Choice, Inc. and Designation of Matter for the Record on Appeal

Counsel Served:

Jefferson Davis, Jr. 403 McCarter Avenue Greenville, SC 29615  <b>Pro Se Plaintiff</b>	J. Kenneth Carter, Jr., Esquire Ross C. DuRant, Esquire P.O. Box 1473 Columbia, SC 29201  <b>Attorneys for Ellen Weaver, Oran P. Smith, Palmetto Promise Institute and Jim DeMint</b>
Douglas W. MacKelcan, Esquire William J. Farley, III, Esquire Carlock, Copeland & Stair, LLP 40 Calhoun St. Suite 400 Charleston, SC 29401-3531  <b>Attorneys for Stephen D. Kirkland</b>	Kenneth A. Davis, Esquire Tierney F. Dukes, Esquire Boykin & Davis, LLC 220 Stoneridge Dr., Suite 100 P.O. Box 11844 Columbia, SC 29210  <b>Attorneys for SC Education Oversight Committee and Melanie Barton</b>

<p>M. Dawes Cooke, Jr., Esquire Justin Novak, Esquire Barnwell Whaley P.O. Drawer H Charleston, SC 29402</p> <p><b>Attorney for SC Educational Credit for Exceptional Needs Children Fund and Randy Page</b></p>	<p>Geoffrey K. Chambers, Esquire 411 Walnut St. No. 10646 Green Cove Springs, FL 32043</p> <p><b>Attorney for SC Educational Credit for Exceptional Needs Children Fund and Randy Page</b></p>
<p>Mark S. Barrow, Esquire Sweeny, Wingate &amp; Barrow, PA P.O. Box 12129 Columbia, SC 29211</p> <p><b>Attorneys for Palmetto Family Council and Palmetto Family Alliance</b></p>	<p>Martin S. Driggers, Jr., Esquire Sweeny, Wingate &amp; Barrow, PA 115 Cargill Way, Suite B Hartsville, SC 29550</p> <p><b>Attorneys for Palmetto Family Council and Palmetto Family Alliance</b></p>
<p>William H. Davidson, II, Esquire Michael B. Wren, Esquire Davidson, Wren &amp; Plyler, P.A. 1611 Devonshire Dr. Second Floor P.O. Box 8568 Columbia, SC 29202</p> <p><b>Attorneys for SC Dept. of Revenue and Rick Reames</b></p>	<p>Joseph M. McCulloch, Esquire Kathy R. Schillaci, Esquire McCullouch &amp; Schillaci 1513 Hampton St. P.O. Box 11623 Columbia, SC 29211</p> <p><b>Attorneys for First Tuesday Strategies, LLC</b></p>
<p>Andy Haselden, Esquire Howser, Newman &amp; Besley, L.L.C. P.O. Box 12009 Columbia, SC 29211</p> <p><b>Attorney for SC Department of Labor, Licensing and Regulation and Doris Cubitt</b></p>	<p>Miles Coleman, Esquire Nelson Mullins Riley &amp; Scarborough LLP Poinsett Plaza 104 South Main St. Suite 900 Greenville, SC 29601</p> <p><b>Attorney for SCRG Foundation, Cato Institute and Howard Rich</b></p>

<p>Jennifer F. Nutter, Esquire  Hood Law Firm, LLC  172 Meeting St.  P.O. Box 1508  Charleston, SC 29402</p> <p><b>Attorney for Institute of Management Consultants USA</b></p>	<p>Mark V. Gende, Esquire  Brandon R. Gottschall, Esquire  Sweeny, Wingate and Barrow, P.A.  P.O. Box 12129  Columbia, SC 29211</p> <p><b>Attorney for South Carolinians for Responsible Government and Philip Cease</b></p>
<p>Benjamin Mustian, Esquire  141 Pelham Dr., Suite F #108  Columbia, SC 29209</p> <p><b>Attorney for Richard Quinn and Associates and First Impressions Inc.</b></p>	<p>Jason P. Luther. Esquire  South Carolina Department of Revenue  P.O. Box 12265  Columbia, SC 29211</p> <p><b>Attorney for SC Dept. of Revenue</b></p>
<p>Alan Jones, Esquire  Turner Padgett Graham &amp; Laney, P.A.  P.O. Box 1473  Columbia, SC 29202</p> <p><b>Attorney for Tony Denny</b></p>	<p>James Goldin, Esquire  Nelson Mullins Riley &amp; Scarborough LLP  P.O. Box 11070  Columbia, SC 29211</p> <p><b>Attorney for Access Opportunity South Carolina</b></p>

  
\_\_\_\_\_  
Linda Silvey  
Administrative Assistant

Nov. 9, 2019



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**Hand Delivered**

The Honorable Jenny A. Kitchings  
South Carolina Court of Appeals  
1220 Senate St.  
Columbia, SC 29201

**RECEIVED**  
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SC Court of Appeals

RE: Jefferson Davis, Jr., v. Ellen Weaver, et al.  
Civil Action No. 2018-CP-40-02425  
Appellate Case No. 2019-000648  
Our File No. 033687/01500

Dear Ms. Kitchings:

Enclosed are the original and one copy of Initial Brief of Respondent EdChoice Inc., formerly known as and incorrectly identified as Friedman Foundation for Educational Choice, Inc. and Designation of Matter for the Record on Appeal. Please file the original and return a clocked in copy to us via our courier.

We are serving a copy of same to all parties of record.

Very truly yours,

Christopher J. Daniels

CJD:ljs  
Attachment

cc: Jefferson Davis, Jr., Pro Se  
J. Kenneth Carter, Jr., Esquire  
Ross C. DuRant, Esquire

The Honorable Jenny A. Kitchings  
November 7, 2019  
Page 2

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