

From: [Joshua Windham](#)
To: [Harrison, Catherine](#); [Robert McNamara](#); miles.coleman@nelsonmullins.com; bill.wood@nelsonmullins.com
Cc: [Gretchen Embrey](#)
Subject: RE: 2018-000326 Opternative v. SC Board of Medical Examiners
Date: Monday, October 12, 2020 4:57:41 PM

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. *******

Ms. Harrison,

At the risk of taxing your patience, we'd like to switch back to the original plan, meaning I will do the argument and attend the WebEx test.

The changes stem, as you might have guessed, from some schedule-shuffling on a hearing date in another matter I'm involved in. Apologies again!

Best,

Joshua Windham

Attorney*

Institute for Justice

901 N. Glebe Rd., Suite 900

Arlington, VA 22203

T: 703-682-9320 ext. 223

E: jwindham@ij.org

*Licensed in North Carolina

From: Harrison, Catherine <CHarrison@sccourts.org>
Sent: Monday, October 12, 2020 8:47 AM
To: Robert McNamara <rmcnamara@ij.org>; Joshua Windham <jwindham@ij.org>; miles.coleman@nelsonmullins.com; bill.wood@nelsonmullins.com
Cc: Gretchen Embrey <GEmbrey@ij.org>
Subject: RE: 2018-000326 Opternative v. SC Board of Medical Examiners

Not a problem. We will see you on October 19 and November 2.

Catherine Harrison

Deputy Clerk of Court

South Carolina Court of Appeals

charrison@sccourts.org

From: Robert McNamara <rmcnamara@ij.org>
Sent: Friday, October 9, 2020 5:33 PM
To: Joshua Windham <jwindham@ij.org>; Harrison, Catherine <CHarrison@sccourts.org>; miles.coleman@nelsonmullins.com; bill.wood@nelsonmullins.com

Cc: Gretchen Embrey <GEmbrey@ij.org>

Subject: RE: 2018-000326 Opternative v. SC Board of Medical Examiners

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Ms. Harrison,

I apologize for the confusion, but an irreconcilable conflict has arisen for Mr. Windham, and I will instead be arguing for Appellant. Mr. Windham has forwarded me the login details for his October 19 WebEx test, and I will be attending that in his stead. I apologize again and appreciate your consideration.

Best,

Robert McNamara
Senior Attorney
Institute for Justice
901 N. Glebe Rd, Ste 900
Arlington, VA 22203
703-682-9320
www.ij.org

From: Joshua Windham <jwindham@ij.org>

Sent: Thursday, October 8, 2020 8:08 AM

To: Harrison, Catherine <CHarrison@sccourts.org>; miles.coleman@nelsonmullins.com;
bill.wood@nelsonmullins.com; Robert McNamara <rmcnamara@ij.org>

Cc: Gretchen Embrey <GEmbrey@ij.org>

Subject: RE: 2018-000326 Opternative v. SC Board of Medical Examiners

Ms. Harrison,

I will be arguing for the Appellant. The October 19, testing date works for me. Let me know if you need any additional information.

Thanks,

Joshua Windham
Attorney*
Institute for Justice
901 N. Glebe Rd., Suite 900
Arlington, VA 22203

T: 703-682-9320 ext. 223
E: jwindham@ij.org
*Licensed in North Carolina

From: Harrison, Catherine <CHarrison@sccourts.org>
Sent: Thursday, October 8, 2020 8:04 AM
To: miles.coleman@nelsonmullins.com; bill.wood@nelsonmullins.com; Robert McNamara <rmcnamara@ij.org>; Joshua Windham <jwindham@ij.org>; gmatthews@richardsonplowden.com; kirby.shealy@arlaw.com
Cc: Kitchings, Jenny <jkitchings@sccourts.org>; caroline.sartain@nelsonmullins.com; cindy.sullivan@nelsonmullins.com; eehm@richardsonplowden.com; victoria.cordoni@arlaw.com
Subject: RE: 2018-000326 Opternative v. SC Board of Medical Examiners

Dear Counsel:

The Court has not received a response to the email below from counsel representing the Appellant. We ask that you please respond with your preference for testing by the end of the day tomorrow. Thank you.

Catherine Harrison
Deputy Clerk of Court
South Carolina Court of Appeals
charrison@sccourts.org

From: Harrison, Catherine
Sent: Thursday, October 1, 2020 9:49 AM
To: 'miles.coleman@nelsonmullins.com' <miles.coleman@nelsonmullins.com>; 'bill.wood@nelsonmullins.com' <bill.wood@nelsonmullins.com>; 'rmcnamara@ij.org' <rmcnamara@ij.org>; 'jwindham@ij.org' <jwindham@ij.org>; 'gmatthews@richardsonplowden.com' <gmatthews@richardsonplowden.com>; 'kirby.shealy@arlaw.com' <kirby.shealy@arlaw.com>
Cc: Kitchings, Jenny <jkitchings@sccourts.org>; 'caroline.sartain@nelsonmullins.com' <caroline.sartain@nelsonmullins.com>; 'cindy.sullivan@nelsonmullins.com' <cindy.sullivan@nelsonmullins.com>; 'eehm@richardsonplowden.com' <eehm@richardsonplowden.com>; 'victoria.cordoni@arlaw.com' <victoria.cordoni@arlaw.com>
Subject: 2018-000326 Opternative v. SC Board of Medical Examiners

Dear Counsel:

At this time, the Court of Appeals is pursuing remote oral arguments via Cisco WebEx. **This appeal is scheduled for oral argument on November 2, 2020, at 10:40 am in Virtual Courtroom 1.**

The time limits for argument are as follows:

Appellant: 10 minutes
Respondent: 10 minutes

Appellant in reply: 5 minutes

In addition, the attorneys making the oral arguments must attend a WebEx test to check their connectivity. We require you to test from the location you will be making your oral argument. We anticipate the testing will take around 30 minutes.

Please note:

- If you have already participated in a Court of Appeals WebEx oral argument and will be joining from the same location using the same equipment, you need not attend the test.
- Attorneys planning to only observe oral argument need not attend the test.
- You do not need to test at the same time as opposing counsel.

We are offering two test dates: October 19, 2020 at 10:00 am and October 26, 2020 at 10:00 am. Please reply to this email with your preference for testing.

The Court of Appeals Virtual Courtroom 1 can be accessed here:

<https://scjudicial.webex.com/scjudicial/onstage/g.php?MTID=eb51ad7011021ff736d1c8051d8718920>

Once you join the event, you will be an "attendee." Attendees may observe the proceedings, but cannot appear on video, speak, or see a list of other attendees. The clerk will move counsel from attendee status to "panelist" before the argument is scheduled to begin.

When you are moved into the virtual courtroom, please remember to unmute your microphone and turn on your camera. We ask counsel to remain muted until your turn to speak. Everyone participating in the oral argument, including the judges on the panel, will be joining the event as an attendee, so be aware once you come into the courtroom that you can be seen and heard by everyone who has signed in.

You may share this link with anyone wishing to view the oral argument. We will use the same link for testing.

Our WebEx guidelines are attached for your review.

Catherine Harrison

Deputy Clerk of Court

South Carolina Court of Appeals

charrison@sccourts.org

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