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May 21 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas
Donald B. Hocker, Circuit Court Judge

Appellate Case No. 2020-001348
Civil Action No. 2020-CP-36-00093

Jefferson Davis, Jr. Appellant,

v.

Chad Connelly, Tom Persons, & South Carolina Educational Credit for
Exceptional Needs Children Fund Respondents.

**DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL ON BEHALF OF
RESPONDENTS CHAD CONNELLY, TOM PERSONS, & SOUTH CAROLINA EDUCATIONAL
CREDIT FOR EXCEPTIONAL NEEDS CHILDREN FUND**

Pursuant to Rule 209, SCACR, Respondents Chad Connelly, Tom Persons, & South Carolina Educational Credit for Exceptional Needs Children Fund’s (“Exceptional SC”) 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.

1. Complaint for Declaratory Judgment & Injunctive Relief filed February 12, 2020
2. Motion for Immediate Temporary Restraining Order and Notice of Motion and Motion for Temporary Injunction filed on February 24, 2020
3. Form 4 Order filed on February 27, 2020
4. Defendants’ Motion to Deny Preliminary Injunction and to Dismiss the Complaint filed on March 4, 2020
5. Motion for Sanctions filed on March 6, 2020

6. Plaintiff's Response in Opposition to Defendants' Motion for Sanctions filed on April 8, 2020
7. Defendants' Reply to Plaintiff's Response in Opposition to Defendants' Motion to Deny Preliminary Injunction and to Dismiss the Complaint and Motion for Sanctions filed on April 16, 2020
8. Plaintiff's Motion for Perjury, Contempt & Sanctions for False Affidavit filed on May 14, 2020
9. Order Denying Plaintiff's Motion for Preliminary Injunction and Dismissing Plaintiff's Summons and Complaint with Prejudice and Denying Motion for Sanctions filed on June 30, 2020
10. Plaintiff's Notice and Motion for Reconsideration of Order filed on July 13, 2020
11. Plaintiff's Notice and Motion to Stay 30 Days & Substitute Plaintiff with Standing filed on July 15, 2020
12. Defendants' Memorandum in Opposition to Plaintiff's Motion for Perjury, Contempt, and Sanctions for False Affidavit filed on August 4, 2020
13. Defendants' Memorandum in Opposition to Plaintiff's Motion to Stay 30 Days & Substitute Plaintiff with Standing filed on August 4, 2020
14. Defendants' Memorandum in Opposition to Plaintiff's Motion for Reconsideration of Order filed on August 4, 2020
15. Plaintiff's Memorandum in Support of Motion to Stay 30 Days & Substitute Plaintiff with Standing filed on August 14, 2020
16. Plaintiff's Memorandum in Support of Motion for Perjury, Contempt & Sanctions for False Affidavit filed on August 14, 2020
17. Order Denying Plaintiff's Motion for Reconsideration of Order, Plaintiff's Motion to Stay 30 Days & Substitute Plaintiff with Standing, and Plaintiff's Motion for Perjury, Contempt, and Sanctions for False Affidavit filed on September 28, 2020
18. Plaintiff's Notice and Motion to Reconsider Order Plaintiff's Motion for Perjury, Contempt, and Sanctions for False Affidavit filed on October 5, 2020
19. Order Denying Motion for Reconsideration of Plaintiff (As to Perjury, Contempt, and Sanctions) filed on October 6, 2020
20. Transcript of March 5, 2020 Motion Hearing

21. Notice of Appeal filed on October 7, 2020

Respectfully submitted,

Geoffrey K. Chambers, Esquire
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– and –

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*Attorneys for Chad Connelly, Tom Persons,
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Exceptional Needs Children Fund*

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Appellate Case No. 2020-001348
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Jefferson Davis, Jr. Appellant,

v.

Chad Connelly, Tom Persons, South Carolina Educational Credit for
Exceptional Needs Children Fund Respondents.

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, and South Carolina Supreme Court Order No. 2020-05-29-02, I have served the *Initial Brief of Respondents Chad Connelly, Tom Persons & South Carolina Educational Credit for Exceptional Needs Children Fund* and the *Designation of Matter to be Included in the Record on Appeal on Behalf of Respondents Chad Connelly, Tom Persons & South Carolina Educational Credit for Exceptional Needs Children Fund* in this matter upon the Clerk of the South Carolina Court of Appeals, all counsel of record, and all *pro se* parties by electronic mail or mailing a copy by United States Mail, postage prepaid, on May 6, 2021, to the following addresses:

The Honorable Jenny Abbot Kitchings
Clerk, South Carolina Court of Appeals
Email: ctappfilings@sccourts.org

Jefferson Davis, Jr.
403 McCarter Avenue
Greenville, South Carolina 29615
Email: jeff@apogeetax.com

/s Beverly Mitton
Beverly Mitton

May 21, 2021

EST. 1938

BARNWELL WHALEY

ATTORNEYS AT LAW

JUSTIN P. NOVAK

SPECIAL COUNSEL

JNOVAK@BARNWELL-WHALEY.COM

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Via Email Only

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211
Email: ctappfilings@sccourts.org

RE: Jefferson Davis, Jr., Appellant, v. Chad Connelly, Tom Persons & South Carolina Educational Credit for Exceptional Needs Children Fund, Respondents.
Appellate Case No. 2020-001348
Our Matter No. 2026.116

Dear Ms. Kitchings:

Please find attached for filing an electronic copy of the ***Initial Brief of Respondents Chad Connelly, Tom Persons & South Carolina Educational Credit for Exceptional Needs Children Fund*** and the ***Designation of Matter to be Included in the Record on Appeal on Behalf of Respondents Chad Connelly, Tom Persons & South Carolina Educational Credit for Exceptional Needs Children Fund*** in the above referenced matter. Also enclosed is a ***Proof of Service*** of these documents. By copy of this letter, I am also serving a copy of these documents upon the Appellant, who is proceeding *pro se*.

Sincerely,

s/ Justin P. Novak
Justin P. Novak

JPN/bbm
Enclosures

cc: Jefferson Davis, Jr., pro se (via U.S. Mail and E-mail)

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