

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
APR 01 2013
SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
J. Ernest Kinard, Jr., Circuit Court Judge

Case No. 2008-CP-40-8854

Phillip D. Grimsley, Sr. and Roger M. Jowers,
on behalf of themselves and other similarly situated , Appellants,

v.

South Carolina Law Enforcement Division and the
State of South Carolina, Respondents.

**RESPONDENT'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

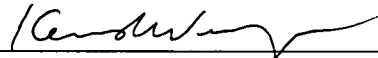
Respondent SLED proposes that the following be included in the Record on Appeal, in addition to those matters previously designated by the Appellants (if not already so designated):

- (1) Amended Answer of SLED, dated April 19, 2012.
- (2) Deposition of Lynn Hutto, October 26, 2009
- (3) Reply Affidavit of Robert Stewart, dated May 30, 2012.
- (4) Reply Affidavit of Teresa C. Kitchens, dated May 30, 2012.

- (5) Order on Summary Judgment, filed August 7, 2012.
- (6) Attachments to all affidavits designated by either party (if not already covered by designations)

I certify that this designation contains no matter which is irrelevant to this appeal.

DAVIDSON & LINDEMANN, P.A.

BY: 
Kenneth P. Woodington
DAVIDSON & LINDEMANN, P.A.
1611 Devonshire Drive
Post Office Box 8568
Columbia, South Carolina 29202
(803) 806-8222

Counsel for Respondent SLED

Columbia, South Carolina

March 29, 2013

DAVIDSON & LINDEMANN, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

William H. Davidson, II
Andrew F. Lindemann*
James M. Davis, Jr.†
Robert D. Garfield
Michael B. Wren

1611 Devonshire Drive, Second Floor
Post Office Box 8568
Columbia, South Carolina 29202-8568
Telephone: (803) 806-8222
Facsimile: (803) 806-8855
www.dml-law.com

Daniel C. Plyler
Joel S. Hughes
Justin T. Bagwell
David A. DeMasters

Of Counsel
Kenneth P. Woodington

*Also Admitted In North Carolina
†Certified Mediator

March 29, 2013

Writer's Email: kwoodington@dml-law.com

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Phillip D. Grimsley, Sr. and Roger M. Jowers, on behalf of themselves and other similarly situated v. South Carolina Law Enforcement Division and the State of South Carolina
Appeal Tracking Number: 2012-212815
Civil Action Number: 2008-CP-40-8854
Our File Number: 79.8022

Dear Ms. Kitchings:

Please find enclosed for filing the originals and one copy each of the **Initial Brief of Respondent (South Carolina Law Enforcement Division)** and **Respondent's Designation of Matter to be Included in the Record on Appeal** in the above referenced matter. Please file the originals and return a clocked-in copy of each document to me in the enclosed envelope.

By copy of this letter, I am serving copies on all counsel of record.

Thank you for your assistance in this matter.

With highest regards, I am

Sincerely yours,

DAVIDSON & LINDEMANN, P.A.



Kenneth P. Woodington

KPW/jmb
Enclosures

RECEIVED
APR 01 2013
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
March 29, 2013
Page Two

cc: (w/ Enclosures)

A. Camden Lewis, Esquire
Ariail E. King, Esquire
Lewis, Babcock & Griffin, LLP
Post Office Box 11208
Columbia, South Carolina 29211

Richard A. Harpootlian, Esquire
Richard A. Harpootlian, P.A.
1410 Laurel Street
Columbia, South Carolina 29201

John A. O'Leary, Esquire
James Walter Fayssoux, Jr., Esquire
O'Leary & Associates, P.A.
714 Calhoun Street
Columbia, South Carolina 29201

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
J. Ernest Kinard, Jr., Circuit Court Judge

Case No. 2008-CP-40-8854

Phillip D. Grimsley, Sr. and Roger M. Jowers,
on behalf of themselves and other similarly situated , Appellants,

v.

South Carolina Law Enforcement Division and the
State of South Carolina, Respondents.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., attorneys for the Respondent South Carolina Law Enforcement Division, does hereby certify that service of the **Initial Brief of Respondent (South Carolina Law Enforcement Division)** and **Respondent's Designation of Matter to be Included in the Record on Appeal** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 29th day of March 2013:

A. Camden Lewis, Esquire
Ariail E. King, Esquire
Lewis, Babcock & Griffin, LLP
Post Office Box 11208
Columbia, South Carolina 29211

RECEIVED
APR 01 2013
SC Court of Appeals

Richard A. Harpootlian, Esquire
Richard A. Harpootlian, P.A.
1410 Laurel Street
Columbia, South Carolina 29201

John A. O'Leary, Esquire
James Walter Fayssoux, Jr., Esquire
O'Leary & Associates, P.A.
714 Calhoun Street
Columbia, South Carolina 29201

Shelley E. Stafford