

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Kristi F. Curtis, Circuit Court Judge

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Case No. 2016-CP-40-06276

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Opternative, Inc. .... Appellant,

v.

South Carolina Board of Medical Examiners and the  
South Carolina Department of Labor, Licensing and  
Regulation..... Respondents,

and

South Carolina Optometric Physicians Association... Respondent-  
Intervenor

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NOTICE OF APPEAL

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Opternative, Inc. (“Appellant”), appeals from Judge Curtis’ order granting summary judgment, dated July 18, 2024, and received in written form by Appellant that same day. Appellant files this notice directly in the Supreme Court because the decision below issued a “final judgment involving a challenge on state . . . grounds to the constitutionality of a state law . . . where the principal issue is one of the constitutionality

of the law.” Rule 203(d)(1)(A)(ii), SCACR. Appellant notes that this case has been before the Supreme Court once before, and the constitutional issues that the appeal raises are significant. *Opternative, Inc. v. S.C. Bd. of Med. Exam’rs*, 437 S.C. 258, 260, 878 S.E.2d 861, 862 (2022) (holding “Opternative, Inc. has constitutional standing to challenge the constitutionality of the Eye Care Consumer Protection Law”). A copy of Judge Curtis’ July 18, 2024 Order is attached hereto as required by Rule 203(d)(1)(B)(ii), SCACR.

Respectfully submitted,

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August 15, 2024  
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