

Appendix A: Documents Beyond the Scope of the Complaint

In connection with its motion to dismiss, the Board has submitted thirteen exhibits, some of which contain attachments or exhibits, for a total of twenty-eight documents. Some of these are copies of statutes, court decisions, regulations, official minutes of a government body, or other materials that are properly subject to official notice. The documents listed below, however, are beyond the scope of the Complaint and should not be considered in deciding the Board's motion to dismiss. Each document listed in this appendix is neither incorporated by reference in the Complaint nor a matter subject to official notice.¹

Exhibit 1: Affidavit of Dr. Raymond F. Lala, with Attachments A-C.

Attachment A

Memorandum of Agreement Between South Carolina Department of Health and Environmental Control and Health Promotion Specialists.

E-mail from Bryan Clemenz with the subject title "MarketingList.xls" dated February 7, 2002.

Appendix I: Guidelines for SC School-Based Dental Prevention Programs and attached references.

Appendix II: Standing Orders for Dental Hygienists.

Attachment B: Memorandum of Agreement Between South Carolina Department of Health and Environmental Control and Health Promotion Specialists, and Employee/Volunteer Confidentiality Agreement.

Attachment C: Standing Orders for Dental Hygienists.

Exhibit 3: Affidavit of H. Rion Alvey dated August 9, 2001 (and Exhibits A & part of C attached thereto).

Exhibit A: Letter from Dr. Bobby E. McBride dated December 11, 2000.

¹ See *supra* notes 18, 19, 23, 24, and 33 (discussing items for which official notice is proper).

Exhibit C: Letter from John Holtzee dated August 3, 2001. [The remainder of Exhibit C is not contested]

Exhibit 4: Affidavit of Tammi O. Byrd dated August 9, 2002 (and Exhibits 2 & 6 attached thereto).

Exhibit 2: Health Promotion Specialists Brochure and attached School-Based Oral Health Programs.

Exhibit 6: Letter from Speech Clinicians of Newberry County Schools addressed to the Honorable Denny W. Neilson dated December 3, 1999.

Exhibit 5: Web page of South Carolina Dental Hygiene Association on Legislation, 5/16/01.

Exhibit 6: Letter of Dr. Bobby E. McBride, D.D.S., dated April 18, 2001.

Exhibit 7: Letter of Charles B. Maxwell, President, South Carolina Board of Dentistry, July 13, 2001.