

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

D. Craig Brown, Circuit Court Judge

Case No. 09-CP-21-2350

Pam Millard and Ronald De'ray Skipper, Individually
and as Co-Personal Representatives for the
Estate of Ronald De'ray Skipper II,

Appellants,

v.

Maria Cecilia Farina-Morin, M.D.,

Respondent.

Appellate Case No. 2012-21216

CLARIFICATION

RECEIVED

MAY 09 2013

SC Court of Appeals

This Clarification is being filed pursuant to that certain Order filed April 25, 2013.

This is a wrongful death case. The allegations are that malpractice was committed during the treatment of Ronald De'Ray Skipper II as a patient who was involuntarily committed to McLeod Regional Medical Center and then negligently discharged by Maria Cecilia Farina-Morin, MD and it was this malpractice that was the proximate cause the death of Ronald De'Ray Skipper II.

This matter arises by virtue of the Appeal of that Order directing a verdict in favor of the Defendant Farina-Morin.

We will not address the facts or legal basis, which give rise to this Appeal, except to note our conviction, which we hope to further illustrate, that the facts of this case are compelling and, when applied to the controlling law will lead to a conclusion that the Order of the lower court was error.

Attached hereto as Exhibit "A" is an amended certificate of service which was executed by me and now filed with this Court showing that opposing counsel was served with the Notice of Appeal on May 23, 2012.

As to the earliest date that lead counsel or co-counsel received written notice of the entry of the order granting Respondent's motion for directed verdict: This office received written notice of entry of the order on April 3, 2012. Within ten (10) days of receipt of said Order, on or about April 13, 2012, Counsel mailed a letter to the Honorable D. Craig Brown enclosing a Motion Pursuant to Rule 59 and 60 of the South Carolina Rules of Civil Procedure. Counsel provided opposing counsel with a copy of said Motion by carbon copy of the letter to Judge Brown on April 13, 2012.

On or about May 21, 2012, my office received the original copy of the Motion along with a post-it-note attached bearing the date of May 17, 2012 requesting to fill out the attached Motion Cover Sheet and submit a check for \$25.00. A copy of the Motion is attached hereto as Exhibit "B". Counsel considered this request for additional information and, upon receipt of this original motion, Appellants decided to abandon the Motion for Reconsideration and simply appeal the Order. Appellants served their Notice of Appeal upon opposing counsel by letter dated May 23, 2012 and filed the Notice of Appeal with the Court along with a certificate of service on June 4, 2012.

As stated in the Return to Respondent's Motion to Dismiss Appeal¹, after further review, the date of co-counsel's receipt of the order is unknown. This is because the staff inadvertently failed to stamp the order of the working copy "Received". Mr. McMaster further advises, however, that he can confirm that the order was mailed to his office and that his address was correctly stated by the Clerk of Court in her notice of mailing dated January 10, 2012. Hence, although the date of actual receipt will remain unknown, the order may have been received by his office at the earliest, within two (2) days of the date of mailing, January 12, 2012. However, Mr. McMaster can only confirm the date of April 3, 2012 as the date that he received written notice of the Order as on that date he asked his office to send a copy of the order to my office, as lead counsel, via facsimile. I can confirm that the copy sent to me has Mr. McMaster's writing on the first page of my parent's phone number and my cell number. I can state that making notes or writing down phone numbers on the first page of a working copy of a pleading or order was Mr. McMaster's practice and indicated that he was calling my parents to get my cell phone number².

Respectively submitted,



J. Marshall Biddle

Myrtle Beach, South Carolina
May 6, 2013

¹ Footnote 4 of the Return to Respondent's Motion to Dismiss Appeal

² Prior to attending college and law school I worked for Mr. McMaster as his legal assistant.

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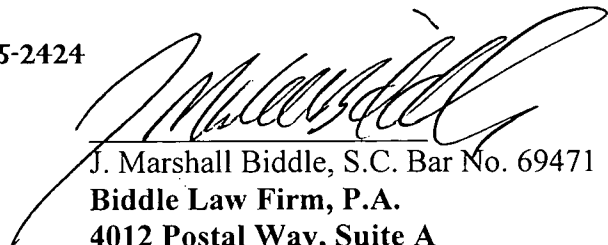
Respondents.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Clarification and the Exhibits was served on all respondents by placing a copy(ies) in the mail on May 6, 2013 with first-class postage prepaid, addressed:

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May 6, 2013


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