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July 26, 2022

Via Email Only

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

RECEIVED
Jul 26 2022
SC Court of Appeals

RE: Tara Gurry v. Myrtle Beach Dermatology, LLC, Shannon Hussey,
and Richard Hussey, M.D.
Appellate Case Number: 2021-000838
Civil Action Number: 2018-CP-26-5438
Claim Number: CB188769M
Our File Number: 22.20498

Dear Ms. Kitchings:

This letter is to request an extension of time for the Respondents to file their Final Brief with regard to the above referenced appeal. While preparing the Final Brief of Respondents, I realized that a significant error was made by the Appellant in preparing the Record on Appeal. The Appellant included the entirety of a discovery deposition of Dr. Schield Wikas rather than the entirety of the de bene esse deposition of Dr. Wikas as was designated by both parties. As a result, there is testimony that should not be part of the record, and the record is missing certain testimony that was designated and cited by both sides in their initial briefs. I have called these errors to the attention of the pro se Appellant by the attached email. If she will not voluntarily make the needed corrections, I will need to file a motion to compel a correct Record on Appeal to be filed.

Therefore, the Respondents would request a twenty-day extension of time from receipt of the corrected Record on Appeal to file and serve the Final Brief of Respondents. I have enclosed my firm's \$50.00 check for the filing fee. If you require a formal motion, please advise.

Thank you very much for your consideration of this request.

Sincerely,

LINDEMANN & DAVIS, P.A.

Andrew F. Lindemann

AFL/jmb
Enclosure

The Honorable Jenny Abbott Kitchings
July 26, 2022
Page Two

cc: (w/ Enclosure)

Via Email and U.S. Mail

Ms. Tara Gurry
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Via Email Only

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From: [Andrew Lindemann](#)
To: "Tara Ann"
Cc: MScalise@RichardsonPlowden.com
Subject: Gurry v. Myrtle Beach Dermatology appeal (Important - Needs Immediate Attention)
Date: Tuesday, July 26, 2022 12:45:48 PM
Importance: High

Ms. Gurry:

While I was preparing the Final Brief of Respondents, I noticed that you included the wrong deposition transcript for Dr. Wikas. The Index to the Record on Appeal states that the transcript of the June 21, 2021 deposition of Dr. Wikas was supposed to run from page 1 to page 196. However, that transcript is not what you included. Rather, what you have included is the discovery deposition transcript (dated June 28, 2019) rather than the June 21, 2021 de bene esse transcript for use at trial. (There are also portions of that June 28, 2019 transcript that are included twice).

Neither party designated the entire deposition transcript (dated June 28, 2019). The only portions of that transcript that belong in the Record on Appeal are the selected excerpts that were attached as Exhibit A to the Motion in Limine and those are included at pages 279-290. Therefore, you will need to re-do the Record on Appeal to make the following corrections: (1) remove the deposition transcript (dated June 28, 2019) at pages 1-196, and (2) include the entire de bene esse deposition transcript (dated June 21, 2021).

While a condensed version of the June 21, 2021 deposition is included already as Exhibit B to the Motion in Limine, the Court will prefer a non-condensed transcript, and additionally, I noticed that pages 102-104 of that condensed version of the June 21, 2021 deposition are missing. Both sides designated Dr. Wikas's de bene esse deposition in its entirety for inclusion in the Record on Appeal, and in fact, both sides have cited to the missing pages 102-104 in their initial briefs. So, this error is not harmless or inconsequential. As a result, before final briefs can be prepared and filed, the Record on Appeal must be corrected to make certain pages 102-104 of that Wikas de bene esse deposition are in the record.

Please let me know if you will make these corrections voluntarily or whether I will need to file a motion with the Court of Appeals.

Thanks.

Andrew

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