

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM HORRY COUNTY  
Benjamin H. Culbertson, Circuit Court Judge

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Appellate Case No. 2021-000838  
Case No. 2018-CP-26-5438

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Tara Gurry,..... Appellant,

v.

Myrtle Beach Dermatology, LLC, Shannon Hussey,  
and Richard Hussey, M.D.,..... Respondents.

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**RESPONDENTS' RETURN TO APPELLANT'S  
MOTION TO AMEND RECORD ON APPEAL**

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The Appellant Tara Gurry has filed a Motion to Amend Record on Appeal where she seeks to (1) remove the transcript of the discovery deposition of Schield M. Wikas, D.O. dated June 28, 2019, and replace it with the de bene esse deposition of Dr. Wikas dated June 21, 2021; and (2) to amend her Designation of Matter to be Included in the Record on Appeal to include “excerpts ... that are referenced in Appellant’s Initial Brief and Reply Brief” from the discovery deposition. The Respondents Myrtle Beach Dermatology, LLC, Shannon Hussey, and Richard Hussey, M.D. consent to the first part of the requested relief and oppose the second.

The Respondents agree that the Record on Appeal must be corrected to remove the deposition transcript of Dr. Wikas (dated June 28, 2019) at pages 1-196 of the Record on Appeal

as currently filed and that the entire de bene esse deposition transcript (dated June 21, 2021) be included, including pages 102-104 which are currently deleted despite being previously designated and cited by both parties in their initial briefs. At this point, the Appellant has included only the condensed version of the June 21, 2021 deposition (with pages 102-104 missing). The Respondents request that the non-condensed (full-page) version of that deposition be used in the corrected Record on Appeal, for ease of reading for the Court and allowing for specific page citations in the Final Brief.

The Respondents do not consent to the Appellant's request to amend her Designation of Matter to be Included in the Record on Appeal. It is unclear precisely which pages from the June 28, 2019 discovery deposition she seeks to add to the Record on Appeal and whether those deposition pages were even presented to the lower court. The Record on Appeal currently includes selected excerpts of that June 28, 2019 deposition that were attached as Exhibit A to the Motion in Limine. Those were the pages of the June 28, 2019 deposition that were submitted into the record in the lower court.

Based on the foregoing, the Respondents respectfully request that this Court order the Appellant to re-print the Record on Appeal to correct only the errors addressed in this return. Further, the Respondents' Final Brief cannot be prepared until the Record on Appeal is corrected because there are references therein to documents that have been excluded from the Record on Appeal. Thus, the Respondents request that they be given twenty days after the Corrected Record on Appeal is served in order to file their Final Brief.

Respectfully submitted,

LINDEMANN & DAVIS, P.A.

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*Counsel for Respondents Myrtle Beach Dermatology,  
LLC, Shannon Hussey, and Richard Hussey, M.D.*

August 5, 2022

RECEIVED

Aug 05 2022

SC Court of Appeals

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CERTIFICATE OF SERVICE

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Pursuant to Section (d)(1) of the Supreme Court's Order RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules, the undersigned employee of Lindemann & Davis, P.A., counsel for the Respondents Myrtle Beach Dermatology, LLC, Shannon Hussey, and Richard Hussey, M.D., does hereby certify that service of **Respondents' Return to Appellant's Motion to Amend Record on Appeal** in the above-captioned matter was made upon all counsel of record via email only and upon the *pro se* Appellant via email and by a placing a copy in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 5th day of August 2022 as follows:

**Via Email and U.S. Mail**

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**Via Email Only**

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s/ Andrew F. Lindeman



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August 5, 2022

**RECEIVED**  
**Aug 05 2022**  
**SC Court of Appeals**

**Via Email Only**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Email: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

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:

In accordance with Section (b)(2) of the Supreme Court's Order RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules, please find enclosed for filing **Respondents' Return to Appellant's Motion to Amend Record on Appeal** with regard to the above referenced matter. In accordance with Section (d)(1) of this same order, I am hereby serving copies on all counsel of record by email only. A copy of the Return is being served upon the *pro se* Appellant via email and United States Mail, First Class Postage Prepaid.

If you have any questions, please advise. Thank you for your assistance.

Sincerely,

LINDEMANN & DAVIS, P.A.

Andrew F. Lindemann

AFL/jmb  
Enclosure

The Honorable Jenny Abbott Kitchings  
July 26, 2022  
Page Two

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cc: (w/ Enclosure)

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