



Edward L. Graham, Esq.

November 11, 2021

VIA E-MAIL

The Honorable Patricia A. Howard
Clerk of Court
Supreme Court of South Carolina
1231 Gervais Street
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Nov 10 2022

S.C. SUPREME COURT

RE: Angela Patton, etc., Respondent v. Dr. Gregory A. Miller, et al, Appellants
Appellate Case No. 2022-000288

Dear Ms. Howard:

I received Appellants' letter filed with your office yesterday, November 9, 2022, in which Appellants seek a **second** extension of time to address the Court on a preliminary matter. The current issue before the Court is Appellants' appeal of an order requiring them to post a \$6.25 million supersedeas bond as a condition to the issuance of a stay on execution of a money judgment pending appeal. I write in opposition to this request for a second extension.

The grounds for my objection are as follows:

1. **Five orders have already been filed** to set or affirm the supersedeas bond requirement. Each requires Appellants to file the \$6.25 million bond as a condition to a supersedeas order.

The first order was made on May 19, 2022, by the Honorable D. Craig Brown, Circuit Court Judge. See Exhibit 1. Judge Brown filed subsequent orders following **two Rule 59(e) hearings**, in which he affirmed his initial ruling. See Exhibits 2 and 3.

On appeal to the Court of Appeals, the Honorable H. Bruce Williams, Chief Judge of the Court of Appeals, affirmed Judge Brown's supersedeas bond order. See Exhibit 4. Upon request for a review by the Full Court of Appeals, the Court of Appeals further affirmed the bond order. See Exhibit 5.

2. Before all five orders, Appellants briefed their argument that there should be no bond requirement and their alternative argument that any required bond should not exceed \$2 million.
3. At this procedural stage, the arguments in Appellants' briefs have been fleshed out and repeated multiple times. No significant time or effort will be required to present this Court with the same or substantially similar arguments and documents from five previous proceedings on the same issue.

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4. With due respect for the death of a family member of one of Appellants' counsel, there have been **two lawyers** involved in briefing and arguing Appellants' position on the supersedeas bond issue five previous times. These are C. Mitchell Brown and Nicholas A. Charles. Whichever of these attorneys is not involved in funeral proceedings is available to submit a brief and related documents to this Court by the current deadline. This is especially true considering the prior briefing and document submission in five previous proceedings on the same issue.
5. This Court has already granted Appellants one extension of time to submit what should be a rather perfunctory filing.
6. Appellants' first Motion for a Stay was made on March 11, 2022. See Exhibit 6. Appellants' first Rule 59(e) motion was made on May 27, 2022. See Exhibit 7. Tomorrow will be eight months since Appellants initially moved for a stay.
7. It is difficult to conceive why Appellants would need so much time to pursue a sixth ruling about the amount of a supersedeas bond. Appellants have had essentially eight months to craft and repeatedly polish their arguments. In the context of this procedural posture, Appellants have not given any truly exceptional reason why another extension should be granted.

For these reasons Respondent opposes any further extension.

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BY:



Edward L. Graham

cc: Ashby Davis, Esq.
C. Mitchell Brown, Esq.
Nicholas A. Charles, Esq.
D. Bradley Jordan, Esq.

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