

RECEIVED

Jan 23 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM Horry COUNTY
Court of Common Pleas

The Honorable John C. Hayes, III

Case No. 2017-CP-26-1571
Appellate Case No. 2019-001665

David L. Scheer, as Personal Representative of the
Estate of Matthew J. Scheer,.....Respondent,

v.

Southern Myrtle Inpatient Services, LLC, Nirlep A.
Patel, M.D. and Rachel Ash-Bernal M.D. Defendants,

Of which
Southern Myrtle Inpatients Services, LLC is.....Appellant.

JOINT MOTION TO HOLD REHEARING PETITION TIMELINES IN ABEYANCE
and
REMAND FOR THE LIMITED PURPOSE OF APPROVING SETTLEMENT AGREEMENT

This Court recently affirmed the jury verdict in the above-captioned matter. The parties have reached a written settlement agreement that *inter alia* requires approval of the settlement by the circuit court. Because the matter involves survival and wrongful death claims, S.C. Code § 15-51-41 provides that this settlement agreement must be presented to and approved by the circuit court. Accordingly, the parties jointly move for a limited remand of this matter to the circuit court for the purpose of considering and approving (or disapproving) the recent settlement agreement. The parties also jointly move to hold in abeyance the timelines for the Appellant’s Petition for Rehearing pending

the remand and approval or disapproval of the settlement agreement. If the circuit court approves the settlement, this appeal will be dismissed with each party to bear their own appellate costs. In the event that the circuit court does not approve the parties' settlement, this appeal will proceed in due course under such timelines as may be set by this Court.

Respectfully Submitted,

s/Robert L. Widener
Robert L. Widener
BURR & FORMAN, LLP
Post Office Box 11390
Columbia, South Carolina 29211
(803) 799-9800

ATTORNEYS FOR APPELLANT

s/Francis M. "Brink" Hinson, IV
Francis M. "Brink" Hinson, IV
HHP LAW GROUP, LLC
924 Gervais Street
Columbia, South Carolina 29201
(803) 400-8277

ATTORNEYS FOR RESPONDENTS

January 23, 2023
Columbia, SC

RECEIVED

Jan 23 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable John C. Hayes, III

Case No. 2017-CP-26-1571
Appellate Case No. 2019-001665

David L. Scheer, as Personal Representative of the
Estate of Matthew J. Scheer, Respondent,

v.

Southern Myrtle Inpatient Services, LLC, Nirlep A.
Patel, M.D. and Rachel Ash-Bernal M.D. Defendants,

Of which
Southern Myrtle Inpatients Services, LLC is Appellant.

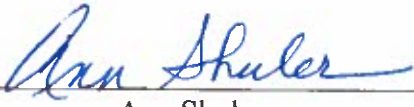
CERTIFICATE OF SERVICE

I, Ann Shuler, an employee of Burr & Forman, LLP, hereby certify that a true and correct copy of the **Joint Motion to Hold Rehearing Petition Timelines in Abeyance and Remand for the Limited Purpose of Approving Settlement Agreement** was served upon counsel for the Respondent in the above-captioned matter, via email at the email addresses listed below, and by causing a copy of same to be deposited in the United States Mail, first class postage prepaid, this 23rd day of January, 2023, addressed as follows:

Francis M. Hinson IV, Esquire
HHP Law Group, LLC
Post Office Box 83
Columbia, SC 29202
brink@hhplawgroup.com

Nicholas D. Mermiges, Esquire
Law Offices of Nick Mermiges, LLC
1720 Main Street, Suite 202
Columbia, SC 29201
nick@NDMLaw.com

Columbia, SC


Ann Shuler

Robert L. Widener
rwidener@burr.com

RECEIVED

Jan 23 2023

SC Court of Appeals

1221 Main Street
Suite 1800
Columbia, SC 29201

Mailing Address
Post Office Box 11390
Columbia, SC 29211

Office (803) 799-9800
Fax (803) 753-3278

BURR.COM

January 23, 2023

VIA EMAIL (CTAPPFILINGS @sccourts.org)

Honorable Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

**Re: Scheer -v- Southern Myrtle Inpatients Services, LLC
Appellate Case No.: 2019-001665**

Dear Madam Clerk:

Attached for filing, please find the *Joint Motion to Hold Rehearing Petition Timelines in Abeyance and Remand for the Limited Purpose of Approving Settlement Agreement*, along with the Certificate of Service for same. The filing fee of \$50 will be hand delivered to the Court today. Counsel for the Respondents have been served via U.S. Mail, and are included in this email filing.

Thank you for your assistance in this matter.

Sincerely,

Burr & Forman LLP



Robert Widener

RLW/as

Attachments

cc: Francis M. Hinson
Nicholas D. Mermiges