

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
In the Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

Opinion Number 2012-UP-475 (S.C. Ct. App. filed Aug. 1, 2012)

RECEIVED
JUN 20 2013
S.C. Supreme Court

Paresh Shah, M.D. and Paresh Shah, M.D., P.A., Petitioners,

v.

Palmetto Health, f/k/a Richland Memorial Hospital.....Respondent.

MOTION TO EXCEED PAGE LIMIT

A petition for a writ of certiorari to the Court of Appeals in the above-captioned matter is currently pending before this Court. The Respondent respectfully moves to exceed the 25-page limit for certiorari returns imposed by Rule 242(f), SCACR. The Respondent's Return to Petition for a Writ of Certiorari is 40 pages long, is due June 21, 2013, and is filed conditionally herewith. The Respondent has endeavored to shorten its Return, but it is not possible to address all issues within the 25-page limit due to the circumstances of this case.

Respondent's undersigned counsel has practiced almost exclusively before this Court and the Court of Appeals for the past 18 years. This is only the second time that he has moved to exceed a page limit imposed by the appellate court rules, and the additional pages are needed for the reasons set forth below.

Grounds for Motion

(1) The appealed order is 25 pages long (App. 29-53), and the issues included the interpretation and application of five prior orders spanning approximately 20 pages. (See App. 1-28). The Record on Appeal is over 2,500 pages long (App. 1-2564), and the parties presented numerous issues to the Court of Appeals in briefs of 48 pages (App. Br.), 49 pages (Resp. Br.) and 23 pages (Reply Br.). (See App. 2565-2705). The Court of Appeals' opinion is 14 pages long (single spaced). (App. 2706-2719). The Petitioner sought rehearing in a 23-page Petition (App. 2720-2745); and the Respondent's Return was 25 pages long. (See Tab A to Certiorari Return). The Petitioner's certiorari petition is 24 pages long and presents numerous issues.

(2) A certiorari respondent owes a duty to this Court to identify and explain instances in which the grounds for certiorari are not properly preserved for this Court's review. Here, the Petitioner's certiorari arguments suffer from numerous error preservation problems, often involving several layers of problems for the same argument, and explaining these error preservation problems consumed numerous pages of the Respondent's certiorari return.

(3) In his certiorari petition, as he has done throughout this appeal, the Petitioner "artfully" redacts court orders and transcript pages to change their meaning. Identifying and explaining these artful redactions required additional pages.

(4) Throughout his certiorari petition, the Petitioner makes statements and arguments that are simply false. Identifying and explaining these falsities required additional pages.

(5) Throughout his certiorari petition, the Petitioner makes passing references to arguments raised in the Court of Appeals but not specifically or expressly pursued in his certiorari petition. In an abundance of caution, the Respondent addressed these "arguments" in its certiorari return, and this required additional pages.

Conclusion

For all of the foregoing reasons, the Respondent respectfully requests this Court to enlarge the page limit for the Return to Petition for a Writ of Certiorari and accept the conditionally filed Return.

Respectfully Submitted,



Robert L. Widener
Celeste T. Jones
Jane W. Trinkley
McNair Law Firm, P.A.
Post Office Box 11390
Columbia, South Carolina 29211
(803) 799-9800

I.S. Leevy Johnson, Esq.
Johnson, Toal & Battiste, P.A.
Post Office Box 1431
Columbia, SC 29202
(803) 799-9700

Frederick A. Crawford
Richardson, Plowden, Carpenter & Robinson, P.A.
Post Office Drawer 7788
Columbia, South Carolina 29202
(803) 771-4400

Attorneys for Respondent

June 20, 2013
Columbia, SC

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
In the Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

Appellate Case No. 2013-000225

RECEIVED
JUN 20 2013
S.C. Supreme Court

Paresh Shah, M.D. and
Paresh Shah, M.D., P.A., Petitioners,

v.

Palmetto Health, f/k/a
Richland Memorial Hospital, Respondent.

CERTIFICATE OF SERVICE

I, Ann Shuler, an employee of the McNair Law Firm, certify that I have served the **Motion to Exceed Page Limit** by depositing a copy in the United States Mail, postage prepaid, on June 20, 2013; addressed to the attorney for the Appellants, as follows:

Joel W. Collins, Jr., Esq.
Collins & Lacy, P.C.
Post Office Box 12487
Columbia, SC 29211

Robert F. Goings, Esq.
Goings Law Firm, LLC
Post Office Box 436
Columbia, SC 29202

I.S. Leevy Johnson, Esq.
Johnson, Toal & Battiste, P.A.
Post Office Box 1431
Columbia, SC 29202



Ann Shuler