

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

POS 5/21
PM 5/21

APPEAL FROM DARLINGTON COUNTY
HONORABLE J. MICHAEL BAXLEY, CIRCUIT COURT JUDGE
C/A NO. 2004-CP-16-322

Ruth J. Person,

Appellant,

vs.

Carolinas Pines Regional Medical Center,

Respondent.

NOTICE OF APPEAL

Appellant Ruth J. Person hereby appeals the Order of the Honorable J. Michael Baxley signed April 7, 2008 (filed on April 22, 2008), denying Plaintiff's Post-Trial Motions. Appellant received written notice of entry of the Order on April 24, 2008.

RESPECTFULLY SUBMITTED,

RECEIVED

MAY 22 2008

SC Court of Appeals

CORBIN LAW FIRM

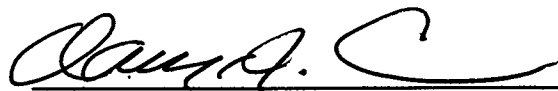
227 West Evans Street

Post Office Box 447

Florence, South Carolina 29503-0447

(843)667-6119

BY:



DARYL J. CORBIN

Attorney for Appellant Ruth J. Person

Florence, South Carolina
May 21, 2008

Other Counsel of Record:
Martin S. Driggers, Jr., Esquire
Sweeny, Wingate & Barrow
Post Office Box 88
Hartsville, SC 29551
Attorney for Respondent

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM DARLINGTON COUNTY
HONORABLE J. MICHAEL BAXLEY, CIRCUIT COURT JUDGE
C/A NO. 2004-CP-16-322

Ruth J. Person,

Appellant,

vs.

Carolinas Pines Regional Medical Center,

Respondent.

PROOF OF SERVICE

I, Daryl J. Corbin, counsel for Appellant Ruth J. Person, certify that I have served the Notice of Appeal on May 21, 2008, by hand-delivering the same to the following:

The Honorable Scott B. Suggs
Darlington County Clerk of Court
1 Public Square, Basement
Darlington, SC 29532

Martin S. Driggers, Jr., Esquire
Sweeny, Wingate & Barrow
115 Cargill Way, Suite B
Hartsville, SC 29551

RESPECTFULLY SUBMITTED,

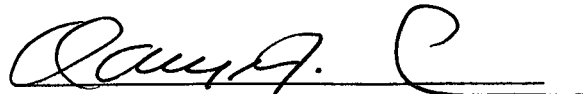
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MAY 22 2008

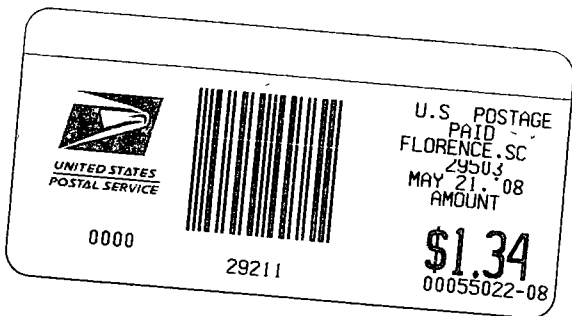
SC Court of Appeals

CORBIN LAW FIRM
227 West Evans Street
Post Office Box 447
Florence, South Carolina 29503-0447
(843)667-6119

BY:



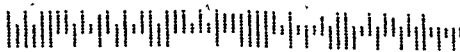
DARYL J. CORBIN
Attorney for Appellant Ruth J. Person



ORBIN LAW FIRM

7 West Evans Street
Post Office Box 447
Florence, SC 29503

The Honorable Kenneth A. Richstad
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211



Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

DARYL J. CORBIN
ATTORNEY AT LAW

TELEPHONE: (843)667-6119
FACSIMILE: (843)664-9180

May 21, 2008

Via Hand-Delivery

Martin S. Driggers, Jr., Esquire
Sweeny, Wingate & Barrow
115 Cargill Way, Suite B
Hartsville, SC 29551

Re: Ruth J. Person v. Carolina Pines Regional Medical Center
(Case No. 2004-CP-21-322)

Dear Martin:

Please find enclosed and accept a copy of Plaintiff Ruth J. Person's Notice of Appeal and Proof of Service in the above-captioned matter.

Thank you; and, with warm regards, I am

Sincerely yours,



Daryl J. Corbin

DJC/cbs/6069
Enclosures

cc: Honorable Kenneth A. Richstad
SC Court of Appeals Clerk of Court
Honorable Scott B. Suggs
Darlington Court Clerk of Court

RECEIVED
MAY 22 2008
SC Court of Appeals

Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

DARYL J. CORBIN
ATTORNEY AT LAW

TELEPHONE: (843)667-6119
FACSIMILE: (843)664-9180

May 21, 2008

The Honorable Scott B. Suggs
Darlington County Clerk of Court
1 Public Square, Basement
Darlington, SC 29532

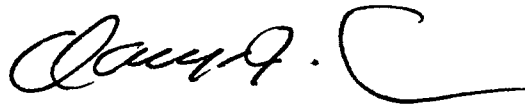
**Re: Ruth J. Person v. Thomas V. Mincheff, M.D., C. Brooks Bannister, M.D.,
Hartsville Surgical Center, and Carolina Pines Regional Medical Center
(Case No. 2004-CP-16-322)**

Dear Mr. Suggs:

Please find enclosed and file a copy of Plaintiff Ruth J. Person's Notice of Appeal and Proof of Service in the above-captioned matter. If you have any questions, please do not hesitate to contact me.

Thank you; and, with warm regards, I am

Sincerely yours,



Daryl J. Corbin

DJC/cbs/6069
Enclosures

cc: The Honorable Kenneth A. Richstad,
Clerk, South Carolina Court of Appeals
Martin S. Driggers, Jr., Esquire

RECEIVED

MAY 22 2008

SC Court of Appeals

Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

DARYL J. CORBIN
ATTORNEY AT LAW

TELEPHONE: (843)667-6119
FACSIMILE: (843)664-9180

May 21, 2008

The Honorable Kenneth A. Richstad
Clerk of Court South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Ruth J. Person v. Carolina Pines Regional Medical Center
(Case No. 2004-CP-21-322)

Dear Mr. Richstad:

Please find enclosed for filing the original and one (1) copy of Plaintiff's Notice of Appeal and Proof of Service in the above-captioned matter which I have served upon all counsel and the Darlington County Clerk of Court a copy of the Notice of Appeal involving the Order Denying Plaintiff's Post-Trial Motions signed by Judge J. Michael Baxley ("Judge Baxley") on April 7, 2008, and filed on April 22, 2008. I received a copy of Judge Baxley's Order on April 24, 2008.

In addition, I have enclosed the requisite \$100 filing fee and a copy of Judge Baxley's Order. Would you please return to me a certified copy of the Notice of Appeal and Proof of Service in the enclosed self-addressed, stamped envelope? If you have any questions, please do not hesitate to contact me.

Thank you; and, with warm regards, I am

Sincerely yours,



Daryl J. Corbin

DJC/cbs/6069

Enclosures

cc: The Honorable Scott B. Suggs
Darlington County Clerk of Court
Martin S. Driggers, Jr., Esquire

RECEIVED
MAY 22 2008
SC Court of Appeals



State of South Carolina
The Circuit Court of the Fourth Judicial Circuit

J. MICHAEL
BAXLEY
JUDGE

531 EAST CAROLINA AVENUE
HARTSVILLE, SOUTH CAROLINA 29550
TELEPHONE (843) 383-4114
FAX: (843) 383-4116
E-MAIL: jbxleyj@sccourts.org

April 8, 2008

Honorable Scott B. Suggs
Darlington County Clerk of Court
1 Public Square, Room B9
Darlington, SC 29532

Re: Person v. Thomas V. Mincheff, M.D., et al
Case number: 01-CP-16-0813

Dear Scott:

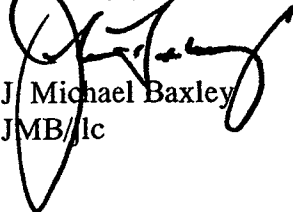
Attached, please find an Order Denying Plaintiff's Post-Trial Motions that has been completed in the above listed case. Please file this Order and serve it on the following parties:

For the Plaintiff: Daryl J. Corbin, Esquire
Post Office Box 447
Florence, SC 29503

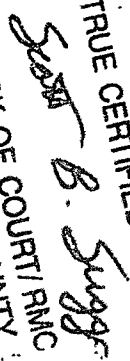
For the Defendants: Martin S. Driggers, Jr., Esquire
115 Cargill Way, Suite B
Hartsville, SC 29550

Thank you for your assistance in this matter.

Sincerely yours,


J Michael Baxley
JMB/lc

FILED
2008 APR 22 PM 4:23
SCOTT B. SUGGS
CLERK OF COURT/R.M.C.
DARLINGTON COUNTY, S.C.

TRUE CERTIFIED COPY,

CLERK OF COURT/R.M.C.
DARLINGTON COUNTY, S.C.

STATE OF SOUTH CAROLINA)

COUNTY OF DARLINGTON)

Ruth J. Person,)

Plaintiff,)

vs.)

Thomas V. Mincheff, M.D., Hartsville)
Surgical Center, and Carolina Pines Regional)
Medical Center,)

Defendants.)

IN THE COURT OF COMMON PLEAS

01-CP-16-0813

ORDER DENYING PLAINTIFF'S
POST-TRIAL MOTIONS

JACOBI B. SUGGS
CLERK OF COURT/R.D.
DARLINGTON COUNTY, S.C.

2008 APR 22 PM 4: 23

FILED

DECISION BY THE COURT: In this action arising out of alleged medical negligence, Plaintiff asserted a claim against Defendant Carolina Pines Regional Medical Center (hereafter, "Hospital") alleging negligent credentialing of surgeon Mincheff to perform a laparoscopic Nissen Fundoplication. Plaintiff settled against Dr. Mincheff and Hartsville Surgical Center. The case against the Hospital went to jury trial on November 6, 2006, resulting in a verdict for the Hospital. Plaintiff then moved for post-trial relief, including the granting of a new trial, alleging discovery abuse by Defendant Hospital in the failure to provide and secreting away of six sets of medical records for patients on whom Dr. Mincheff had allegedly performed similar previous surgical procedures.

In an unusual step, the Court allowed post-verdict discovery in an effort to determine whether the Plaintiff's allegations had merit. At the close of that discovery, which included a deposition of an employee of Iron Mountain medical records depository, Plaintiff continues to maintain that medical records were actually in the possession of the Hospital and not provided to Plaintiff under a claim that such were not available, while the Defendant continues to deny these allegations. There is no proof that any of these records would reveal some sort of medical negligence supporting Plaintiff's claims.

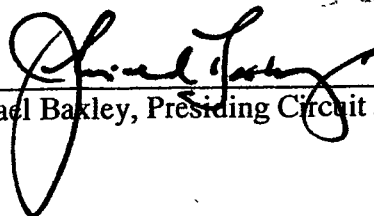
After significant and ongoing review of this matter, the Court denies all of Plaintiff's requests for post-verdict relief. It is this Court's firm opinion that the jury verdict for the Hospital resulted from significant evidence put forth by the Defendant at trial that Dr. Mincheff did not commit medical negligence in Plaintiff's surgery, which is fatal to Plaintiff's claim for negligent credentialing against the Hospital. Although the Plaintiff continues to maintain that the Defendants were not forthcoming in discovery, the Court finds that this ultimately is not dispositive of the case, and the Plaintiff has failed to meet the burden to prove entitlement to a new trial or other relief.

For these reasons, all of Plaintiff's motions for post-verdict relief are denied, and the jury verdict for the Defendant Hospital is confirmed.

IT IS SO ORDERED.

April 7, 2008

J. Michael Bakley, Presiding Circuit Judge



FILED
CLERK OF COURT
DARLINGTON COUNTY, S.C.

This Judgment was entered on the 22 day of April 2008, and a copy mailed first class this 22 day of April 2008 to attorneys of record as follows:

Attorney for the Plaintiff

Daryl J. Corbin, Esquire
Post Office Box 447
Florence, SC 29503

Attorney for the Defendants

Martin S. Driggers, Jr. Esquire
115 Cargill Way, Suite B
Hartsville, SC 29550


CLERK OF COURT

FILED

2008 APR 22 PM 4: 23

SCOTT B SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.



The South Carolina Court of Appeals

KENNETH A. RICHSTAD
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE (803) 734-1890
FAX (803) 734-1839
www.sccourts.org

May 29, 2008

Daryl James Corbin, Esquire
P O Box 447
Florence, SC 29503-0447

Re Person, Ruth v Mincheff, Thomas V (200891766)

Dear Mr Corbin

This office has received your Notice of Appeal in the above matter. It has been assigned the Case Tracking Number that appears above. Please use this number on all future correspondence relating to this matter.

I do wish to call the attention of the parties to the attached order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. **This office will not review filings for redaction or to determine if materials should be sealed.**

All parties are notified that the case caption should read as follows:

Ruth J Person, Appellant,
v
Thomas V Mincheff, M D , Hartsville
Surgical Center, and Carolina Pines Regional
Medical Center, Defendants,
of whom Carolina Pines Regional Medical
Center is the Respondent

All future documents must reflect this caption.

Very truly yours,

Handwritten signature of Kenneth A. Richstad in cursive.
CLERK

KAR/et
cc Martin S Driggers, Sr , Esquire



The South Carolina Court of Appeals

KENNETH A. RICHSTAD
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA SOUTH CAROLINA 29211
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COLUMBIA SOUTH CAROLINA 29201
TELEPHONE (803) 734-1890
FAX (803) 734-1839
www.sccourts.org

May 29, 2008

Daryl James Corbin, Esquire
P O Box 447
Florence, SC 29503-0447

Re Person, Ruth v Mincheff, Thomas V

Dear Mr Corbin

We have received your Notice of Appeal in the case noted above. This case will be docketed in the Court of Appeals and all communications concerning this case, including motions and petitions, initial and final briefs, and the Record on Appeal, should be directed to and filed in this Court. For all filings, please note the requirements of Rule 238(a) of the South Carolina Appellate Court Rules, and be further advised that Court of Appeals policy requires the firm name of any counsel shown must be included in his or her address.

We suggest that large parcels such as copies of final briefs and the Record On Appeal be sent directly to the Court via the street address 1015 Sumter Street, Columbia, S C 29201. Thank you for your attention to this. Failure to file in the proper court may result in the dismissal of your appeal.

PLEASE BE ADVISED that, pursuant to Rule 207 of the South Carolina Appellate Court Rules, the transcript must be ordered within ten (10) days of the proof of service of the Notice of Appeal and you must provide this Court, opposing counsel, and the Office of Court Administration with all correspondence regarding the transcript. It is also Appellant's responsibility to make satisfactory arrangements (including agreement regarding payment for the transcript) with the Court Reporter for furnishing the transcript. You are reminded of the notification requirements of Rule 207(a)(5), SCACR, also, please advise the Court in writing upon receipt of the transcript.

NOTE: If you believe this case has been improperly filed in the Court of Appeals, by reason of the limitations set forth in S.C. Code Ann. Section 14-8-200(b)(1998), as amended June 1, 1999, notify the Clerk's office of the Court of Appeals immediately. The cited Code Section prohibits the Court of Appeals from hearing appeals in seven classes of cases

- 1) any final judgment from the circuit court which includes a sentence of death,
- 2) any final judgment from the circuit court setting public utility rates pursuant to Title 58,
- 3) any final judgment involving a challenge on state or federal grounds to the constitutionality of a state law or county or municipal ordinance where the principal issue is the constitutionality of the law or ordinance,
- 4) any final judgment from the circuit court involving the authorization, issuance, or proposed issuance of general obligation debt, revenue, institutional, industrial, or hospital bonds of the state, its agencies, political subdivisions, public service districts, counties, and municipalities or any other indebtedness now or hereafter authorized by Article X of the Constitution of this state,
- 5) any final judgment from the circuit court pertaining to elections and election procedure,
- 6) any order limiting an investigation by a State Grand Jury under S C. Code Ann Section 14-7-1630,
- 7) any order of the family court relating to an abortion by a minor under S C Code Ann Section 44-41-33

Very truly yours,
Kenneth A Richstad
CLERK

KAR/et

cc Martin S Driggers, Sr , Esquire

Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

DARYL J. CORBIN
ATTORNEY AT LAW

TELEPHONE: (843)667-6119
FACSIMILE: (843)664-9180

May 27, 2008

Via Facsimile Transmission (843)383-4114
and Regular United States Mail

Ms. Pamela Ozment-Cartee
Court Reporter
531 E. Carolina Avenue
Hartsville, SC 29550

Re: Ruth J. Person v. Carolina Pines Regional Medical Center
(Case No. 2004-CP-16-322)

Dear Ms. Ozment-Cartee:

Beginning on November 6, 2006, the trial of the above-captioned case was before Judge J. Michael Baxley in Darlington County Court of Common Pleas. I understand you were the court reporter for this trial. Would you please provide me with a complete transcript of the trial? In addition, I agree to pay the per page charge for this transcript as provided by Rule 607, SCACR.

Thank you; and, with warm regards, I am

Sincerely yours,



Daryl J. Corbin

DJC/cbs/6058

cc: Honorable Kenneth A. Richstad
South Carolina Court Administration
Martin S. Driggers, Jr., Esquire

RECEIVED

MAY 29 2008

SC Court of Appeals

S·W·B

SWEENEY WINGATE & BARROW P.A.

June 9, 2008

Reply to Pee Dee Office

Martin S. Driggers, Jr.
(843) 878-0390 ext 101
msd@swblaw.com

THE HON KENNETH A RICHSTAD
CLERK, SC COURT OF APPEALS
PO BOX 11629
COLUMBIA SC 29211

Re. Ruth J. Person vs. Thomas V. Mincheff, MD, Hartsville Surgical Center and
Carolina Pines Regional Medical Center
Tracking No.: 200891766
Our File No. 1863/4975

Dear Mr Richstad:

I am in receipt of a copy of your May 29, 2008 letter to Daryl Corbin providing the Order relating to inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals.

My copy was actually mailed to my father, Martin S Driggers, Sr. who practices with Driggers & Moyd in Hartsville, SC. I practice with a different firm but also in Hartsville, SC. This letter is to provide you my correct contact information for all future mailings from your office. My contact information is as follows:

Martin S. Driggers, Jr.
Sweeny, Wingate & Barrow, P.A.
Pee Dee Regional Office
115 Cargill Way, Suite B (29550)
PO Box 88 (29551)
Hartsville, SC 29551
P: (843) 878-0390 ext 101
F: (843) 878-0393
E: msd@swblaw.com

Please feel free to call me if you have questions.

RECEIVED

JUN 16 2008

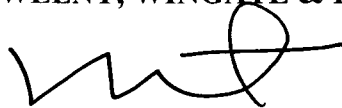
SC Court of Appeals

Page Two
The Honorable Kenneth A. Richstad
June 9, 2008

With kind regards, I remain

Yours truly,

SWEENEY, WINGATE & BARROW, P.A.

A handwritten signature in black ink, appearing to read 'MSD', with a stylized flourish extending to the right.

Martin S. Driggers, Jr.

MSD/lgb



The South Carolina Court of Appeals

KENNETH A RICHSTAD
CLERK

V CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE (803) 734-1890
FAX (803) 734-1839
www.sccourts.org

August 11, 2008

Daryl James Corbin, Esquire
P O Box 447
Florence, SC 29503-0447


Re Person, Ruth v Mincheff, Thomas V

Dear Mr Corbin

As of this date, we have not received any further information regarding the status of the transcript in this matter

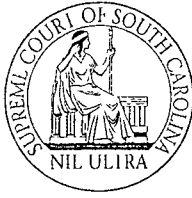
Please be advised that you must furnish this Court with a transcript update within ten (10) days of the date of this letter. According to Rule 207 of the South Carolina Appellate Court Rules, it is your responsibility to notify the Office of Court Administration, this Court, and the court reporter in writing if you have not received the transcript in this case on appeal.

Very truly yours,


CLERK

KAR/et

cc Martin S Driggers, Jr, Esquire



The Supreme Court of South Carolina

RECEIVED

AUG 12 2008

SC Court of Appeals

TITLE OF
CASE

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(Person, Ruth J
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(v 2004CP1600322
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NOTICE

Upon request and for good cause shown, Pamela Ozment-Cartee, Court Reporter, is hereby granted an extension up to and including September 01, 2008 to prepare and deliver the Transcript of Record in the above case.

Desiree Allen

Court Services Manager
South Carolina Court Administration

Columbia, South Carolina
August 6, 2008

cc: Daryl J. Corbin, Esq
Martin S Driggers, Jr, Esq.
Pamela Ozment-Cartee

Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

DARYL J. CORBIN
ATTORNEY AT LAW

TELEPHONE: (843)667-6119
FACSIMILE: (843)664-9180

August 14, 2008

The Honorable Kenneth A. Richstad
Clerk of Court South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

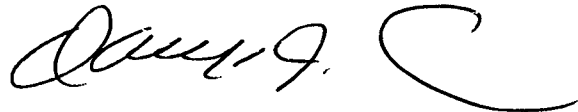
Re: Ruth J. Person v. Carolina Pines Regional Medical Center
(Case No. 2004-CP-21-322)

Dear Mr. Richstad:

Please find enclosed and accept a copy of the August 6, 2008, South Carolina Supreme Court Notice allowing Ms. Pamela Ozment-Cartee, Court Reporter, until September 1, 2008, to deliver the Transcript of Record in the Person case. If you have any questions, please do not hesitate to contact me.

Thank you; and, with warm regards, I am

Sincerely yours,



Daryl J. Corbin

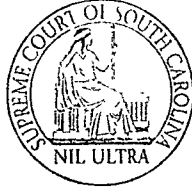
DJC/cbs/6069
Enclosures

cc: Martin S. Driggers, Jr., Esquire

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AUG 15 2008

SC Court of Appeals



The Supreme Court of South Carolina

TITLE OF
CASE (Person, Ruth J
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(v 2004CP1600322
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(Carolina Pines
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NOTICE

Upon request and for good cause shown, Pamela Ozment-Cartee, Court Reporter, is hereby granted an extension up to and including September 01, 2008 to prepare and deliver the Transcript of Record in the above case.

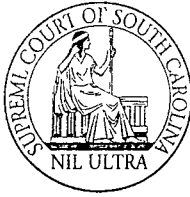
Desiree Allen

Court Services Manager
South Carolina Court Administration

Columbia, South Carolina
August 6, 2008

cc: Daryl J. Corbin, Esq.
Martin S. Driggers, Jr., Esq.
Pamela Ozment-Cartee

RECEIVED
AUG 15 2008
SC Court of Appeals



RECEIVED

SEP 05 2008

SC Court of Appeals

The Supreme Court of South Carolina

TITLE OF
CASE

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(Person, Ruth J.
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(v. 2004CP1600322
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(Carolina Pines
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—————
NOTICE
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Upon request and for good cause shown, Pamela Ozment - Cartee, Court Reporter, is hereby granted an extension up to and including October 01, 2008 to prepare and deliver the Transcript of Record in the above case.

Desiree Allen

Court Services Manager
South Carolina Court Administration

Columbia, South Carolina
September 2, 2008

cc: Daryl J. Corbin, Esq.
Martin S. Driggers, Jr., Esq.
Pamela Ozment - Cartee

Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

DARYL J. CORBIN
ATTORNEY AT LAW

TELEPHONE: (843)667-6119
FACSIMILE: (843)664-9180

September 5, 2008

The Honorable Kenneth A. Richstad
Clerk of Court South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Ruth J. Person v. Carolina Pines Regional Medical Center
(Case No. 2004-CP-21-322)

Dear Mr. Richstad:

Please find enclosed and accept a copy of the September 2, 2008, South Carolina Supreme Court Notice allowing Ms. Pamela Ozment-Cartee, Court Reporter, until October 1, 2008, to deliver the Transcript of Record in the Person case. If you have any questions, please do not hesitate to contact me.

Thank you; and, with warm regards, I am

Sincerely yours,



Daryl J. Corbin

DJC/cbs/6069
Enclosures

cc: Martin S. Driggers, Jr., Esquire

RECEIVED

SEP 08 2008

SC Court of Appeals

Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

DARYL J. CORBIN
ATTORNEY AT LAW

TELEPHONE: (843)667-6119
FACSIMILE: (843)664-9180

October 6, 2008

The Honorable Kenneth A. Richstad
Clerk of Court South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

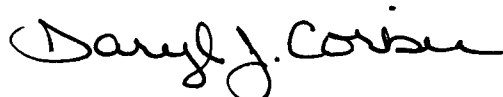
Re: Ruth J. Person v. Carolina Pines Regional Medical Center
(Case No. 2004-CP-21-322)

Dear Mr. Richstad:

Please find enclosed and accept a copy of the October 1, 2008, South Carolina Supreme Court Notice allowing Ms. Pamela Ozment-Cartee, Court Reporter, until November 1, 2008, to deliver the Transcript of Record in the Person case. If you have any questions, please do not hesitate to contact me.

Thank you; and, with warm regards, I am

Sincerely yours,



Daryl J. Corbin

DJC/cbs/6069

Enclosure

cc: Martin S. Driggers, Jr., Esquire

RECEIVED

OCT 07 2008

SC Court of Appeals



The Supreme Court of South Carolina

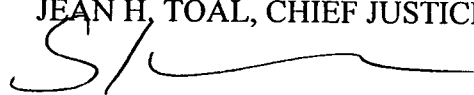
TITLE OF
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(Person, Ruth J.
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(v. 2004CP1600322
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ORDER

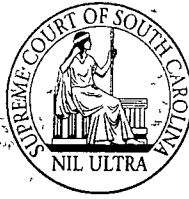
Upon request and for good cause shown, Pamela Ozment-Cartee, Court Reporter, is hereby granted an extension up to and including November 01, 2008 to prepare and deliver the Transcript of Record in the above case.

JEAN H. TOAL, CHIEF JUSTICE

By: 
Desiree R. Allen, Court Services Manager
South Carolina Court Administration

Columbia, South Carolina
October 1, 2008

cc: Daryl J. Corbin, Esq.
Martin S. Driggers, Jr., Esq.
Pamela Ozment-Cartee



The Supreme Court of South Carolina

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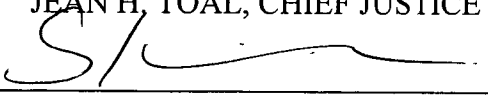
OCT 06 2008

SC Court of Appeals

ORDER

Upon request and for good cause shown, Pamela Ozment-Cartee, Court Reporter, is hereby granted an extension up to and including November 01, 2008 to prepare and deliver the Transcript of Record in the above case.

JEAN H. TOAL, CHIEF JUSTICE

By: 
Desiree R. Allen, Court Services Manager
South Carolina Court Administration

Columbia, South Carolina
October 1, 2008

cc: Daryl J. Corbin, Esq.
Martin S. Driggers, Jr., Esq.
Pamela Ozment-Cartee



The South Carolina Court of Appeals

KENNETH A. RICHSTAD
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE (803) 734-1890
FAX (803) 734-1839
WWW.SCCOURTS.ORG

November 13, 2008

Daryl James Corbin, Esquire
P O Box 447
Florence, SC 29503-0447

Re Person, Ruth v Mincheff, Thomas V

Dear Mr Corbin

As of this date, we have not received any further information regarding the status of the transcript in this matter

Please be advised that you must furnish this Court with a transcript update within ten (10) days of the date of this letter. According to Rule 207 of the South Carolina Appellate Court Rules, it is your responsibility to notify the Office of Court Administration, this Court, and the court reporter in writing if you have not received the transcript in this case on appeal.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kenneth A. Richstad".

CLERK

KAR/et

cc Martin S Driggers, Jr, Esquire

RECEIVED

NOV 25 2008

SC Court of Appeals

Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

DARYL J. CORBIN
ATTORNEY AT LAW

TELEPHONE: (843)667-6119
FACSIMILE: (843)664-9180

November 24, 2008

Honorable Kenneth A. Richstad
Clerk of Court South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211


Re: Ruth J. Person v. Carolina Pines Regional Medical Center
(Case No. 2004-CP-21-322)

Dear Mr. Richstad:

This confirms my telephone conversation with Elizabeth this morning involving the status of the transcript in the Person case. According to the October 1, 2008, South Carolina Supreme Court Notice we mailed to your office on October 6, 2008, Ms. Pamela Ozment-Cartee, Court Reporter, was granted an extension until November 1, 2008, to deliver the Transcript of Record to us. Please note we have not yet received the transcript. I spoke with Ms. Tammy Brown with Court Administration this morning who advised me she has no record of an additional extension and she will follow up with Ms. Ozment-Cartee involving the status. If you have any questions or need any additional information, please do not hesitate to contact us.

Thank you; and, with warm regards, I am

Sincerely yours,


Christina B. Stewart, Paralegal
for Daryl J. Corbin

/cbs/6069

cc: Ms. Tammy Brown
Court Administration
Ms. Pamela Ozment-Cartee
Martin S. Driggers, Jr., Esquire

RECEIVED

DEC 10 2008

SC Court of Appeals

Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

DARYL J. CORBIN
ATTORNEY AT LAW

TELEPHONE: (843)667-6119
FACSIMILE: (843)664-9180

December 8, 2008

The Honorable Kenneth A. Richstad
Clerk of Court South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Ruth J. Person v. Carolina Pines Regional Medical Center
(Case No. 2004-CP-21-322)

Dear Mr. Richstad:

Please find enclosed and accept copies of (a) the November 25, 2008, South Carolina Supreme Court Notice allowing Ms. Pamela Ozment-Cartee, Court Reporter, until December 1, 2008, to deliver the Transcript of Record in the Person case; and (b) the November 25, 2008, South Carolina Supreme Court Notice allowing Ms. Pamela Ozment-Cartee, Court Reporter, until January 1, 2009, to deliver the Transcript of Record in the Person case. If you have any questions, please do not hesitate to contact me.

Thank you; and, with warm regards, I am

Sincerely yours,



Daryl J. Corbin

DJC/cbs/6069
Enclosures

cc: Martin S. Driggers, Jr., Esquire



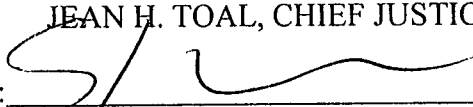
The Supreme Court of South Carolina

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ORDER

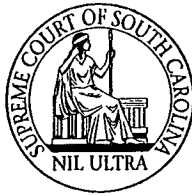
Upon request and for good cause shown, Pamela Ozment-Cartee, Court Reporter, is hereby granted an extension up to and including January 01, 2009 to prepare and deliver the Transcript of Record in the above case.

JEAN H. TOAL, CHIEF JUSTICE

By: 
Desiree R. Allen, Court Services Manager
South Carolina Court Administration

Columbia, South Carolina
November 25, 2008

cc. Daryl J. Corbin, Esq. ✓
Martin S. Driggers, Jr., Esq.
Pamela Ozment-Cartee



The Supreme Court of South Carolina

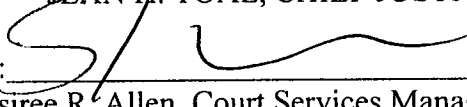
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ORDER

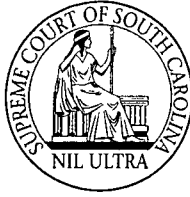
Upon request and for good cause shown, Pamela Ozment-Cartee, Court Reporter, is hereby granted an extension up to and including January 01, 2009 to prepare and deliver the Transcript of Record in the above case.

JEAN H. TOAL, CHIEF JUSTICE

By: 
Desiree R. Allen, Court Services Manager
South Carolina Court Administration

Columbia, South Carolina
November 25, 2008

cc: Daryl J. Corbin, Esq. ✓
Martin S. Driggers, Jr., Esq.
Pamela Ozment-Cartee



RECEIVED

DEC 03 2008

SC Court of Appeals

The Supreme Court of South Carolina

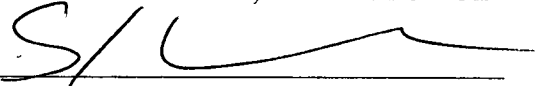
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ORDER

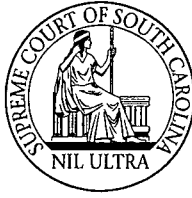
Upon request and for good cause shown, Pamela Ozment-Cartee, Court Reporter, is hereby granted an extension up to and including December 01, 2008 to prepare and deliver the Transcript of Record in the above case.

JEAN H. TOAL, CHIEF JUSTICE

By: 
Desiree R. Allen, Court Services Manager
South Carolina Court Administration

Columbia, South Carolina
November 25, 2008

cc: Daryl J. Corbin, Esq.
Martin S. Driggers, Jr, Esq.
Pamela Ozment-Cartee



RECEIVED

DEC 03 2008

SC Court of Appeals

The Supreme Court of South Carolina

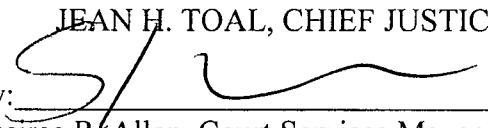
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ORDER

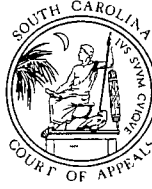
Upon request and for good cause shown, Pamela Ozment-Cartee, Court Reporter, is hereby granted an extension up to and including January 01, 2009 to prepare and deliver the Transcript of Record in the above case.

JEAN H. TOAL, CHIEF JUSTICE

By: 
Desiree R. Allen, Court Services Manager
South Carolina Court Administration

Columbia, South Carolina
November 25, 2008

cc: Daryl J. Corbin, Esq.
Martin S. Driggers, Jr, Esq.
Pamela Ozment-Cartee



The South Carolina Court of Appeals

JEANETTE F BARBER
CLERK

V CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA SOUTH CAROLINA 29201
TELEPHONE (803) 734-1890
FAX (803) 734-1839
www.sccourts.org

February 20, 2009

Daryl James Corbin, Esquire
P O Box 447
Florence, SC 29503-0447

Re Person, Ruth v Mincheff, Thomas V

Dear Mr Corbin

Our records indicate that the transcript in the above matter should have been delivered by January 1, 2009. As of today's date, I have not received any information indicating that an extension has been granted to the court reporter.

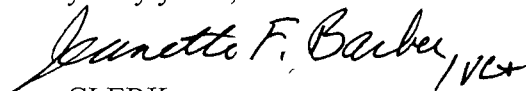
If you have not yet received the transcript, you must contact the Office of Court Administration per Rule 207(e) of the South Carolina Appellate Court Rules. The Address for Court Administration is as follows:

**South Carolina Office of Court Administration
1015 Sumter Street, Suite 201
Columbia, SC 29201**

Be sure to copy the Court and opposing counsel with all correspondence concerning the transcript.

Please advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal may be dismissed.

Very truly yours,


CLERK

JFB/ab

cc. Martin S Driggers, Jr, Esquire

Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

DARYL J. CORBIN
ATTORNEY AT LAW

TELEPHONE: (843)667-6119
FACSIMILE (843)664-9180

February 19, 2009

RECEIVED

FEB 20 2009

SC Court of Appeals

The Honorable Kenneth A. Richstad
Clerk of Court South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

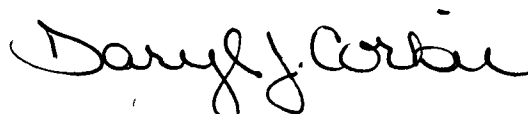
Re: Ruth J. Person v. Carolina Pines Regional Medical Center
(Case No. 2004-CP-21-322)

Dear Mr. Richstad:

Please note we received the transcript in the Person case via express mail from Ms. Pamela Ozment-Cartee on January 30, 2009. If you have any questions, please do not hesitate to contact me.

Thank you; and, with warm regards, I am

Sincerely yours,



Daryl J. Corbin

DJC(cbs/6069)

cc: South Carolina Office of Court Administration
Martin S. Driggers, Jr., Esquire

RECEIVED

FEB 24 2009

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

SC Court of Appeals

APPEAL FROM DARLINGTON COUNTY
HONORABLE J. MICHAEL BAXLEY, CIRCUIT COURT JUDGE
C/A NO. 2004-CP-16-322

Ruth J. Person,

Appellant,

vs.

Carolinas Pines Regional Medical Center,

Respondent.

MOTION FOR EXTENSION

The Appellant, by and through her attorney move before this Court to request an extension of time to file the Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal . Appellant's counsel is a sole practitioner involved in recent court hearings and out-of-town depositions which prevented him from completing the appellate documents. In addition, this appeal arises from a complicated, week-long medical negligence claim. Accordingly, the Appellant needs a thirty (30) day extension of time to file the Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal .

WHEREFORE, the Appellant hereby respectfully requests the Court grant this Motion.

1st
AJS/DM
4/1

RESPECTFULLY SUBMITTED,

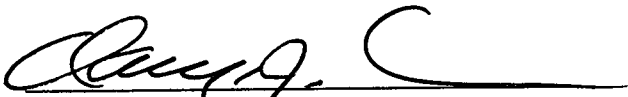
CORBIN LAW FIRM

227 West Evans Street

Post Office Box 447

Florence, South Carolina 29503-0447

(843)667-6119

BY: 
DARYL J. CORBIN
Attorney for Appellant

Florence, South Carolina

February 20, 2009

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM DARLINGTON COUNTY
HONORABLE J. MICHAEL BAXLEY, CIRCUIT COURT JUDGE
C/A NO. 2004-CP-16-322

Ruth J. Person,

Appellant,

vs.

Carolinas Pines Regional Medical Center,

Respondent.

PROOF OF SERVICE

I, Daryl J. Corbin, counsel for Appellant Ruth J. Person, certify that I have served the within Motion for Extension of Time to File Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal on February 20, 2009, by depositing a copy of the same in the United States Mail, postage prepaid, addressed to the following:

Martin S. Driggers, Jr., Esquire
Sweeny, Wingate & Barrow
115 Cargill Way, Suite B
Hartsville, SC 29551

RESPECTFULLY SUBMITTED,


CORBIN LAW FIRM
227 West Evans Street
Post Office Box 447
Florence, South Carolina 29503-0447
(843)667-6119

RECEIVED

FEB 24 2009

SC Court of Appeals

BY:



DARYL J. CORBIN
Attorney for Appellant

Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

DARYL J. CORBIN
ATTORNEY AT LAW

TELEPHONE: (843)667-6119
FACSIMILE: (843)664-9180

February 20, 2009

RECEIVED

FEB 24 2009

SC Court of Appeals

The Honorable Kenneth A. Richstad
South Carolina Court of Appeals
Clerk of Court
Post Office Box 11629
Columbia, SC 29211

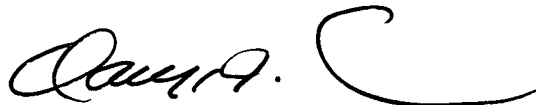
Re: Ruth J. Person v. Carolina Pines Regional Medical Center
(Case No. 2004-CP-21-322)

Dear Mr. Richstad:

Please find enclosed and accept for filing an original and six (6) copies of the Motion for an Extension of Time to File Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal. I also enclosed a check in the amount of \$25 for the requisite filing fee. If you require anything else, please do not hesitate to contact me.

Thank you; and, with warm regards, I am

Sincerely yours,



Daryl J. Corbin

DJC/cbs/6069
Enclosures

cc: Martin S. Driggers, Jr., Esquire

The South Carolina Court of Appeals

Ruth J Person,

Appellant,

v

Thomas V. Mincheff, M D., Hartsville
Surgical Center, and Carolina Pines
Regional Medical Center,

Defendants,

of whom Carolina Pines Regional
Medical Center is the

Respondent

The Honorable J. Michael Baxley
Darlington County
Trial Court Case No. 2001-CP-16-00813

ORDER

For good cause having been shown, the time for serving and filing the Appellant's Initial Brief and Designation of Matter in the above entitled matter is hereby extended until April 1, 2009.

IT IS SO ORDERED

KAYE G. HEARN, CHIEF JUDGE

BY *V. Chris Allen, Deputy*
CLERK

Columbia, South Carolina

February 26, 2009

cc: Daryl James Corbin, Esquire
Martin S. Driggers, Jr., Esquire

RECEIVED

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

MAR 27 2009

SC Court of Appeals

APPEAL FROM DARLINGTON COUNTY
HONORABLE J. MICHAEL BAXLEY, CIRCUIT COURT JUDGE
C/A NO. 2004-CP-16-322

Ruth J. Person,

Appellant,

vs.

Carolinas Pines Regional Medical Center,

Respondent.

MOTION FOR AN EXTENSION OF TIME
TO FILE APPELLANT'S INITIAL BRIEF
AND DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

The Appellant respectfully petitions the Court for a thirty (30) day extension of time to file the Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal. The appeal involves complex issues arising from a week-long trial. In addition, the trial transcript consists of more than one thousand (1,000) pages. Further, Appellant's counsel is scheduled to participate in a CLE conference March 26 - 30, 2009. Please note Respondent's counsel consents in this matter. If the Court grants the extension, Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal would be due on May 2, 2009.

Accordingly, the Appellant hereby respectfully requests that the Court grant her Motion.

RESPECTFULLY SUBMITTED,

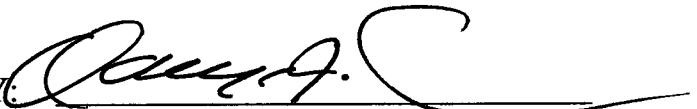
CORBIN LAW FIRM

227 West Evans Street

Post Office Box 447

Florence, South Carolina 29503-0447

(843)667-6119

BY: 

DARYL J. CORBIN

Attorney for Appellant


Florence, South Carolina


March 23, 2009

I SO CONSENT:

Martin S. Driggers, Jr., Esquire
Attorney for Respondent

Date

GRANTED.
KAYE G. HEARN, C.J.
FOR THE COURT
By: 
(Clerk) (Deputy Clerk)
5/13/09

FILED
5/13/09 

RESPECTFULLY SUBMITTED,

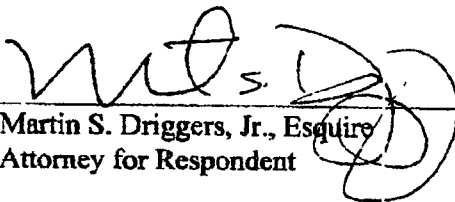
CORBIN LAW FIRM
227 West Evans Street
Post Office Box 447
Florence, South Carolina 29503-0447
(843)667-6119

BY 
DARYL J. CORBIN
Attorney for Appellant

Florence, South Carolina

March 23, 2009

I SO CONSENT:



Martin S. Driggers, Jr., Esquire Date
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

MAR 27 2009

APPEAL FROM DARLINGTON COUNTY SC Court of Appeals
HONORABLE J. MICHAEL BAXLEY, CIRCUIT COURT JUDGE
C/A NO. 2004-CP-16-322

Ruth J. Person,

Appellant,

vs.

Carolinas Pines Regional Medical Center,

Respondent.

PROOF OF SERVICE

I, Daryl J. Corbin, counsel for Appellant Ruth J. Person, certify that I have served the within Motion for Extension of Time to File Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal on March 26, 2009, by depositing a copy of the same in the United States Mail, postage prepaid, addressed to the following:

Martin S. Driggers, Jr., Esquire
Sweeny, Wingate & Barrow
115 Cargill Way, Suite B
Hartsville, SC 29551

RESPECTFULLY SUBMITTED,

CORBIN LAW FIRM
227 West Evans Street
Post Office Box 447
Florence, South Carolina 29503-0447
(843)667-6119

BY:



DARYL J. CORBIN
Attorney for Appellant

Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

DARYL J. CORBIN
ATTORNEY AT LAW

TELEPHONE: (843)667-6119
FACSIMILE: (843)664-9180

March 26, 2009

RECEIVED

MAR 27 2009

SC Court of Appeals

The Honorable Kenneth A. Richstad
South Carolina Court of Appeals
Clerk of Court
Post Office Box 11629
Columbia, SC 29211

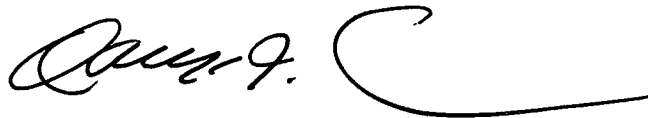
Re: Ruth J. Person v. Carolina Pines Regional Medical Center
(Case No. 2004-CP-21-322)

Dear Mr. Richstad:

Please find enclosed and accept for filing an original and six (6) copies of the Motion for an Extension of Time to File Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal. Please note counsel for the Respondent, Martin S. Driggers, Jr., Esquire, consents to this motion. I have enclosed a check in the amount of \$25 for the requisite filing fee. If you require anything else, please do not hesitate to contact me.

Thank you; and, with warm regards, I am

Sincerely yours,



Daryl J. Corbin

DJC/cbs/6069
Enclosures

cc: Martin S. Driggers, Jr., Esquire

C O V E R

S H E E T

RECEIVED
 APR 27 2009

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 SC Court of Appeals

SC COURT of Appeals

TO: Ms. MONICA AMICK
SC COURT OF APPEALS

From the Office Of...

FAX #: (803)734-1496

Daryl J. Corbin
Corbin Law Firm

SUBJECT: Person v. Carolina Pines
(Case No. 2004-CP-16-322)

Post Office Box 447
 Florence, SC 29503-0447

DATE: April 27, 2009

227 West Evans Street
 Florence, SC 29501

PAGES: 3, INCLUDING THIS COVER SHEET

Office: (843)667-6119
 Fax: (843)664-9180

FROM: CHRISTINA B. STEWART, PARALEGAL
FOR DARYL J. CORBIN, ESQUIRE

Dear Ms. Amick:

Pursuant to our telephone conversation this morning, attached please find a copy of Judge J. Michael Baxley's April 7, 2008, Order Denying Plaintiff's Post-Trial Motions. Please note Judge Baxley corrected the caption and resigned the Order on April 26, 2009. If you have any questions, please do not hesitate to contact us.

Thank you; and, with warm regards, I am

Sincerely yours,

Christina Stewart
 Christina B. Stewart, Paralegal

Attachment

cc: Martin S. Driggers, Jr., Esquire

CONFIDENTIALITY NOTICE

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U S POSTAL SERVICE. THANK YOU.

IF FOR SOME REASON YOU CANNOT READ ANY OR DID NOT RECEIVE ALL OF THE TRANSMITTED PAGES,
 PLEASE CONTACT SENDER AT (843) 667-6119.

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF DARLINGTON)

04-CP-16-0322

Ruth J. Person,)

Plaintiff,)

**ORDER DENYING PLAINTIFF'S
POST-TRIAL MOTIONS**

vs.)

Carolina Pines Regional Medical Center,)

Defendants.)

DECISION BY THE COURT: In this action arising out of alleged medical negligence, Plaintiff asserted a claim against Defendant Carolina Pines Regional Medical Center (hereafter, "Hospital") alleging negligent credentialing of surgeon Mincheff to perform a laparoscopic Nissen Fundoplication. Plaintiff settled against Dr. Mincheff and Hartsville Surgical Center. The case against the Hospital went to jury trial on November 6, 2006, resulting in a verdict for the Hospital. Plaintiff then moved for post-trial relief, including the granting of a new trial, alleging discovery abuse by Defendant Hospital in the failure to provide and secreting away of six sets of medical records for patients on whom Dr. Mincheff had allegedly performed similar previous surgical procedures.

In an unusual step, the Court allowed post-verdict discovery in an effort to determine whether the Plaintiff's allegations had merit. At the close of that discovery, which included a deposition of an employee of Iron Mountain medical records depository, Plaintiff continues to maintain that medical records were actually in the possession of the Hospital and not provided to Plaintiff under a claim that such were not available, while the Defendant continues to deny these allegations. There is no proof that any of these records would reveal some sort of medical negligence supporting Plaintiff's claims.

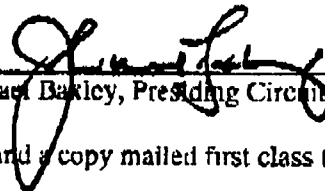
After significant and ongoing review of this matter, the Court denies all of Plaintiff's requests for post-verdict relief. It is this Court's firm opinion that the jury verdict for the Hospital resulted from significant evidence put forth by the Defendant at trial that Dr. Mincheff did not commit medical negligence in Plaintiff's surgery, which is fatal to Plaintiff's claim for negligent credentialing against the Hospital. Although the Plaintiff continues to maintain that the Defendants were not forthcoming in discovery, the Court finds that this ultimately is not dispositive of the case, and the Plaintiff has failed to meet the burden to prove entitlement to a new trial or other relief.

For these reasons, all of Plaintiff's motions for post-verdict relief are denied, and the jury verdict for the Defendant Hospital is confirmed.

IT IS SO ORDERED.

April 7, 2008

Re-signed 4/26/09



J. Michael Bakley, Presiding Circuit Judge

This Judgment was entered on the ____ day of April 2008, and a copy mailed first class this ____ day of April 2008 to attorneys of record as follows:

Attorney for the Plaintiff

Daryl J. Corbin, Esquire
Post Office Box 447
Florence, SC 29503

Attorney for the Defendants

Martin S. Driggers, Jr. Esquire
115 Cargill Way, Suite B
Hartsville, SC 29550

CLERK OF COURT

Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

DARYL J. CORBIN
ATTORNEY AT LAW

TELEPHONE: (843)667-6119
FACSIMILE: (843)664-9180

May 1, 2009

RECEIVED

MAY 04 2009

SC Court of Appeals

The Honorable Kenneth A. Richstad
South Carolina Court of Appeals
Clerk of Court
Post Office Box 11629
Columbia, SC 29211

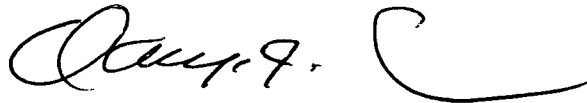
Re: Ruth J. Person v. Carolina Pines Regional Medical Center
(Case No. 2004-CP-21-322)

Dear Mr. Richstad:

Please find enclosed and accept the Appellant's Initial Brief, Designation of Matter to be Included in the Record on Appeal, and Certificate of Counsel. By copy of the correspondence, I am providing Respondent's counsel with a copy of Appellant's Initial Brief, Designation of Matter to be Included in the Record on Appeal, and Certificate of Counsel. If you have any questions, please do not hesitate to contact me.

Thank you; and, with warm regards, I am

Sincerely yours,



Daryl J. Corbin

DJC/cbs/6069
Enclosures

cc: Martin S. Driggers, Jr., Esquire

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM DARLINGTON COUNTY
HONORABLE J. MICHAEL BAXLEY, CIRCUIT COURT JUDGE
C/A NO. 2004-CP-16-322

Ruth J. Person,

Appellant,

vs.

Carolinas Pines Regional Medical Center,

Respondent.

PROOF OF SERVICE

I, Daryl J. Corbin, counsel for the Appellant, Ruth J. Person, certify that I have served the within Appellant's Initial Brief, Designation of Matter to be Included in the Record on Appeal, and Certificate of Counsel on May 1, 2009, by depositing copies of the same in the United States Mail, postage prepaid, addressed to the following:

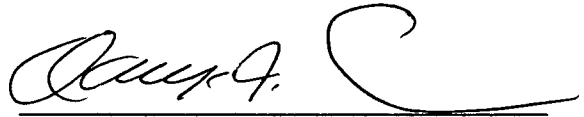
Martin S. Driggers, Jr., Esquire
Sweeny, Wingate & Barrow
115 Cargill Way, Suite B
Hartsville, SC 29551

RECEIVED
MAY 04 2009
SC Court of Appeals

RESPECTFULLY SUBMITTED,

CORBIN LAW FIRM
227 West Evans Street
Post Office Box 447
Florence, SC 29503-0447
(843)667-6119

BY:

A handwritten signature in black ink, appearing to read "Daryl J. Corbin", written over a horizontal line.

DARYL J. CORBIN
Attorney for Appellant

Florence, South Carolina

May 1, 2009

RECEIVED

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

MAY 04 2009

SC Court of Appeals

APPEAL FROM DARLINGTON COUNTY
HONORABLE J. MICHAEL BAXLEY, CIRCUIT COURT JUDGE
C/A NO. 2004-CP-16-322

Ruth J. Person,

Appellant,

vs.

Carolinas Pines Regional Medical Center,

Respondent.

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following to be included in the Record on Appeal:

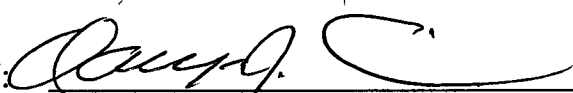
- (1) April 7, 2008 (filed April 22, 2008), Order Denying Plaintiff's Post-Trial Motions (Re-signed April 26, 2009);
- (2) April 4, 2007, Order (Motion for a New Trial and Motion to Quash Rule 45 Subpoena);
- (3) November 14, 2006, Judgment;
- (4) Complaint;
- (5) Answer;
- (6) Partial Trial Transcript, including pp. 13 - 57, 63, 72 - 100, 144 - 149, 157, 159, 167, 169 - 174, 182, 184 - 185, 187, 204, 302 - 304, 489, 527, 546 - 548, 568 - 579, 582 - 589, 636 - 647, 707 - 713, 803 - 804, 808 - 810, 819, and 971 - 977;

- (7) November 27, 2006, Rule 59 Motion (New Trial Absolute);
- (8) March 5, 2007, Transcript of Record;
- (9) August 28, 2007, deposition transcript of Bambi Austin Parnell;
- (10) September 4, 2007, Plaintiff Person's Memorandum (Post Trial Discovery);
- (11) October 15, 2007, Plaintiff Person's Reply Memorandum (Post-Trial Discovery);
- (12) Person's four (4) "Adverse or Negative Inference" Requests to Charge;
- (13) Motions to Quash; and
- (14) October 31, 2006, deposition transcript of David Castleberry.

RESPECTFULLY SUBMITTED,

CORBIN LAW FIRM
227 West Evans Street
Post Office Box 447
Florence, South Carolina 29503-0447
(843)667-6119

BY:



DARYL J. CORBIN
Attorney for Appellant

Florence, South Carolina

May 1, 2009

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

MAY 04 2009

APPEAL FROM DARLINGTON COUNTY
HONORABLE J. MICHAEL BAXLEY, CIRCUIT COURT JUDGE
C/A NO. 2004-CP-16-322

SC Court of Appeals

Ruth J. Person,

Appellant,

vs.

Carolinas Pines Regional Medical Center,

Respondent.

CERTIFICATE OF COUNSEL

I certify that Appellant's Designation of Matter to be Included in the Record on Appeal includes no matter which is irrelevant to the appeal.

RESPECTFULLY SUBMITTED,

CORBIN LAW FIRM

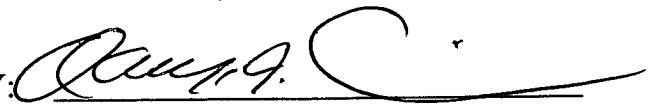
227 West Evans Street

Post Office Box 447

Florence, South Carolina 29503-0447

(843)667-6119

BY:



DARYL J. CORBIN

Attorney for Appellant

Florence, South Carolina

May 1, 2009



The South Carolina Court of Appeals

JEANETTE F BARBER
CLERK

V CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE (803) 734-1890
FAX (803) 734-1839
www.sccourts.org

May 13, 2009

Daryl J Corbin, Esquire
P O Box 447
Florence, SC 29503-0447

Re Person, Ruth v Carolina Pines

Dear Mr Corbin

The following Order has been endorsed on your Motion for Extension in the above entitled case on appeal

"Granted

Kaye G Hearn CJ
For the Court

By s/ Jeanette F Barber
Clerk

May 13, 2009 "

Please be advised the Appellant's Initial Brief and Designation of Matter have been received and accepted as filed. The Respondent's Initial Brief and Designation of Matter must be served and filed on or before June 1, 2009.

Very truly yours,

A handwritten signature in black ink, appearing to read "JF Barber".

CLERK

JFB/ma

cc Martin S Driggers, Jr., Esquire

S·W·B

RECEIVED

MAY 21 2009

SWEENEY WINGATE & BARROW P.A. SC Court of Appeals

May 20, 2009

Reply to Main Office
William O. Sweeney, III
(803) 256-2233 x 107
wos@swblaw.com

Honorable Jeanette Barber
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29202

RE Ruth J Person v Thomas v Mincheff, M D , Hartsville Surgical Center. and
Carolina Pines Regional Medical Center
Civil Action No 01-CP-16-0813
Our File 1863/4062

Dear Ms Barber

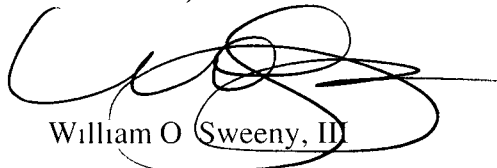
This firm represents Respondent Carolina Pines Regional Medical Center in this appeal. We have received Appellant's Initial Brief and Designation of Matter in this case, and per Court of Appeals' letter of May 13, 2009, Respondent's Initial Brief and Designation of Matter are due on or before June 1.

Respondent has not previously requested an extension of time in this case. At this time, however, we do request a thirty (30) day extension of time, until July 1, 2009, to submit Respondent's Initial Brief and Designation of Matter. This request is made because of the voluminousness of the trial transcript and file in this case as well as numerous memoranda that must be filed in Federal District Court.

This firm's check for twenty-five dollars (\$25.00) is enclosed. Appellant's counsel has telephonically consented to the requested extension.

Yours truly,

SWEENEY, WINGATE & BARROW, P.A.



William O Sweeney, III

WOS/bjp
Enclosure

CC Daryl J Corbin, Esquire
Post Office Box 447
Florence, South Carolina 29503

06/01/09
06/30/09

The South Carolina Court of Appeals

Ruth J. Person,

Appellant,

v.

Carolina Pines Regional Medical
Center,

Respondent.

The Honorable J. Michael Baxley
Darlington County
Trial Court Case No. 2004-CP-16-00322

ORDER

For good cause having been shown, the time for filing and serving the Respondent's Initial Brief and Designation of Matter in the above entitled matter is hereby extended until July 1, 2009

IT IS SO ORDERED.

KAYE G. HEARN, CHIEF JUDGE
For the Court

BY *V. Claire Allen, Deputy*
CLERK

Columbia, South Carolina
5/27/2009

cc: Daryl J Corbin, Esquire
Martin S Driggers, Jr., Esquire

RECEIVED

JUL 01 2009

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DARLINGTON COUNTY
Court of Common Pleas
The Honorable J. Michael Baxley

Case No.: 2001-CP-16-00813

Ruth J Person,

Appellant,

v

Carolina Pines
Regional Medical Center,

Respondent.

**RESPONDENT CAROLINA PINES' DESIGNATION OF
MATTER FOR INCLUSION IN THE RECORD ON APPEAL**

The Respondent proposes the following for inclusion in the Record on Appeal:

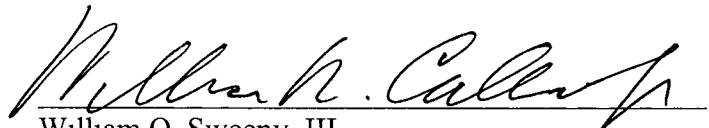
1. Volume 1, Transcript of Trial (pp. 1-367).
2. Volume 2, Transcript of Trial (pp 368-713).
3. Volume 3, Transcript of Trial (pp 714-1071)
4. Order of April 7, 2008 as re-signed April 26, 2009.
5. Rule 59 Motion, filed November 27, 2006.
6. Plaintiff Person's Memorandum, September 4, 2007.
7. Order of April 4, 2007 re: post-trial discovery.
8. Complaint, April 13, 2004.
9. Answer, May 5, 2004.
10. Rule 45 Subpoena, February 6, 2004, with Exhibit A.
11. Defendant's Memorandum in Support of its Motion to Quash, June 9, 2004
12. Defendant's Motion to Alter or Amend under Rule 59 (e), SCRPC, filed April 13, 2007, with Exhibits 1-4
13. Supreme Court Order of November 2, 2006 denying Petition for Writ of Mandamus or Certiorari.
14. Petition for a Writ of Mandamus or Certiorari, October 31, 2006.
15. Affidavit of Martin S. Driggers, Jr., November 6, 2006, with exhibits 1-5.
16. Affidavit of Lou Jean Gainey, October 4, 2007.

17. Carolina Pines Brief in Response to Plaintiff's Brief Regarding Post Trial Discovery and in Opposition to Motion for New Trial Absolute, October 4, 2007
18. Affidavit of Martin S. Driggers, Jr., October 4, 2007.
19. Affidavit of Thomas Mincheff, M.D., October 4, 2007, with Exhibit A (60 pages in exhibit).
20. Affidavit of Bambi Austin Parnell, October 4, 2007.
21. Affidavit of Eddie Moore, October 4, 2007.
22. Letter of J. Michael Baxley, Judge, Fourth Judicial Circuit to Daryl J. Corbin, dated August 15, 2007.
23. Affidavit of B Todd Henford, M.D., December 29, 2006.
24. Motion For Summary Judgment, filed November 10, 2004
25. Letter of Judge Baxley, September 22, 2006 denying motion for summary judgment.
26. Petition for Writ of Mandamus or Certiorari
27. Memorandum in Support of Motion for Mandamus or Certiorari.
28. South Carolina Supreme Court Order of November 2, 2006.
29. Trial Court's Order filed November 14, 2006, denying motion for summary judgment.
30. Notice of Video depositions, served Oct. 23, 2006
31. Rule 45 Subpoena for Documents to Mr. David Castleberry, Oct. 13, 2006, w Ex. A.
32. Defendant's Memorandum in Support of Motion for Summary Judgment, 01/05/2005.
33. Court's Form 4 Order, filed 05/05/2006 re telephonic status conference of 5/4/06.

I certify that this designation contains no material that is irrelevant to this appeal

Respectfully submitted,

SWEENEY, WINGATE & BARROW, P.A.



William O. Sweeny, III
Martin S. Driggers, Jr
1515 Lady Street
Post Office Box 12129
Columbia, South Carolina 29211
(803)256-2233

Attorneys for Carolina Pines Regional Medical
Center

Columbia, South Carolina

June 29, 2009

RECEIVED

JUL 01 2009

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DARLINGTON COUNTY
Court of Common Pleas
The Honorable J. Michael Baxley

Case No.: 2001-CP-16-00813

Ruth J Person,

Appellant,

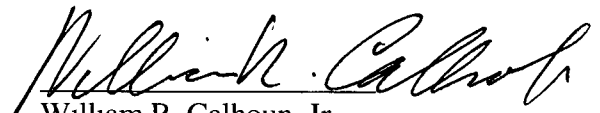
v

Carolina Pines
Regional Medical Center,

Respondent.

PROOF OF SERVICE

I certify that I have served a copy of the Respondent's Initial Brief and Designation of Matter for Inclusion in the Record on Appeal on Ruth J. Person by depositing a copy of each document in the United States Mail, postage prepaid, on July 1, 2009 addressed to her attorney of record, Daryl J. Corbin, Corbin Law Firm, Post Office Box 447, Florence, S C. 29503-0447.



William R. Calhoun, Jr
Post Office Box 12129
Columbia, S C. 29211
(803) 256-2233
Attorney for Respondent

Columbia, South Carolina
July 1, 2009

S·W·B

SWEENY WINGATE & BARROW P.A.

July 1, 2009

Reply to Main Office
William O. Sweeny, III
(803) 256-2233 x 107
wos@swblaw.com

Honorable Jeanette Barber
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

JUL 01 2009

SC Court of Appeals

VIA HAND DELIVERY

RE: Ruth J Person v Thomas v Mincheff, M D , Hartsville Surgical Center, and
Carolina Pines Regional Medical Center
Civil Action No.: 01-CP-16-0813
Our File 1863/4062

Dear Ms Barber

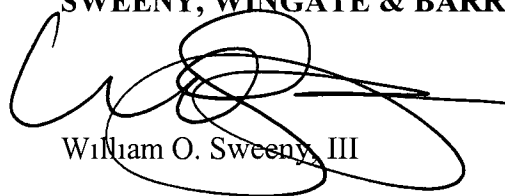
Enclosed for filing are the original and two copies of Respondent's Initial Brief and Designation of Matter in this case, along with a Proof of Service. Please return with the courier who delivers these documents at least one stamped copy of each.

This correspondence is being served on opposing counsel along with the cited documents.

Thank you very much

Yours truly,

SWEENY, WINGATE & BARROW, P.A.



William O. Sweeny, III

WOS/bjp
Enclosure

CC: Daryl J Corbin, Esquire
Post Office Box 447
Florence, South Carolina 29503



The South Carolina Court of Appeals

JEANETTE F BARBER
CLERK

V CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA SOUTH CAROLINA 29201
TELEPHONE (803) 734-1890
FAX (803) 734-1839
www.sccourts.org

July 23, 2009

Daryl James Corbin, Esquire
P O Box 447
Florence, SC 29503-0447

Re Peison, Ruth v Carolina Pines
200891766

Dear Mr Corbin

All parties are advised that the originals of all records on appeal and final briefs filed with the appellate courts are scanned. Therefore, in accordance with the May 1, 2008 Amendments to the South Carolina Appellate Court Rules, DO NOT staple, spiral bind, velobind, or otherwise permanently bind the ORIGINALS of these documents. The original brief(s) and record on appeal should still have front and back covers in compliance with Rule 267(e) of the South Carolina Appellate Court Rules, but should not be bound. You may secure the originals with paper clips, binder clips, rubber bands, by placing them in large envelopes, or by any other similar means that will keep the pages together without binding or hole-punching. All COPIES of the record on appeal and final briefs should be bound as specified in the South Carolina Appellate Court Rules.

We remind you that it is your responsibility to insure that personal data identifiers and other sensitive information is redacted or sealed as required by the August 13, 2007 order of the South Carolina Supreme Court. This office will not review filings for redaction or to determine if materials should be sealed. Therefore, we request that the record on appeal and final briefs be accompanied by certification that these documents are in compliance with the above mentioned order.

Be further advised that your original final brief or record on appeal may not be accepted if it is bound, if the front and back covers are missing or if the certificate of compliance with the Supreme Court's August 13, 2007 order has not been provided.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Barber", written over a horizontal line.

CLERK

JFB/mpm

cc Martin Driggers, Jr, Esquire

RECEIVED

JUL 30 2009

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM DARLINGTON COUNTY
HONORABLE J. MICHAEL BAXLEY, CIRCUIT COURT JUDGE
C/A NO. 2004-CP-16-322

Ruth J. Person,

Appellant,

vs.

Carolinas Pines Regional Medical Center,

Respondent.

MOTION FOR EXTENSION

The Appellant, by and through her attorney move before this Court to request an extension of time to file the Record on Appeal. This appeal arises from a complicated, week-long medical negligence trial and involves an extensive Record on Appeal. Appellant's counsel is a sole practitioner involved in recent trial which prevented him from completing the appellate documents. Accordingly, the Appellant needs a thirty (30) day extension of time to file the Record on Appeal.

WHEREFORE, the Appellant hereby respectfully requests the Court grant this Motion.

RESPECTFULLY SUBMITTED,

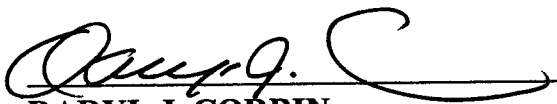
CORBIN LAW FIRM

227 West Evans Street

Post Office Box 447

Florence, South Carolina 29503-0447

(843)667-6119

BY: 
DARYL J. CORBIN
Attorney for Appellant

Florence, South Carolina

July 29, 2009

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM DARLINGTON COUNTY
HONORABLE J. MICHAEL BAXLEY, CIRCUIT COURT JUDGE
C/A NO. 2004-CP-16-322

Ruth J. Person,

Appellant,

vs.

Carolinas Pines Regional Medical Center,

Respondent.

PROOF OF SERVICE

I, Daryl J. Corbin, counsel for Appellant Ruth J. Person, certify that I have served the within Motion for Extension of Time to file the Record on Appeal on July 29, 2009, by depositing a copy of the same in the United States Mail, postage prepaid, addressed to the following:

Martin S. Driggers, Jr., Esquire
Sweeny, Wingate & Barrow
115 Cargill Way, Suite B
Hartsville, SC 29551

RECEIVED

JUL 30 2009

SC Court of Appeals

RESPECTFULLY SUBMITTED,

CORBIN LAW FIRM

227 West Evans Street

Post Office Box 447

Florence, South Carolina 29503-0447

(843)667-6119

BY:



DARYL J. CORBIN

Attorney for Appellant

Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

DARYL J. CORBIN
ATTORNEY AT LAW

TELEPHONE: (843)667-6119
FACSIMILE: (843)664-9180

July 29, 2009

RECEIVED

JUL 30 2009

SC Court of Appeals

The Honorable Kenneth A. Richstad
South Carolina Court of Appeals
Clerk of Court
Post Office Box 11629
Columbia, SC 29211

Re: Ruth J. Person v. Carolina Pines Regional Medical Center
(Case No. 2004-CP-21-322)

Dear Mr. Richstad:

Please find enclosed and accept for filing an original and six (6) copies of the Motion for an Extension of Time to file the Record on Appeal in the Person case. I also enclosed a check in the amount of \$25 for the requisite filing fee. If you require anything else, please do not hesitate to contact me.

Thank you; and, with warm regards, I am

Sincerely yours,



Daryl J. Corbin

DJC/cbs/6069
Enclosures

cc: Martin S. Driggers, Jr., Esquire

RECEIVED

AUG 03 2009

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM DARLINGTON COUNTY
HONORABLE J. MICHAEL BAXLEY, CIRCUIT COURT JUDGE
C/A NO. 2004-CP-16-322

Ruth J. Person,

Appellant,

vs.

Carolinas Pines Regional Medical Center,

Respondent.

AMENDED NOTICE OF MOTION AND MOTION FOR
EXTENSION OF TIME TO SERVE THE RECORD ON APPEAL

The Appellant, by and through her attorney, moves before this Court to request an extension of time to serve the Record on Appeal. This appeal arises from a complicated, week-long medical negligence trial and involves an extensive Record on Appeal. Appellant's counsel is a sole practitioner involved in recent court appearances, a mediation, and trials which prevented him from completing the Record on Appeal. Accordingly, the Appellant would appreciate a thirty (30) day extension of time to serve the Record on Appeal.

WHEREFORE, the Appellant hereby respectfully requests the Court grant this Motion.

07/31/09 1st
08/31/09

RESPECTFULLY SUBMITTED,

CORBIN LAW FIRM

227 West Evans Street

Post Office Box 447

Florence, South Carolina 29503-0447

(843)667-6119

BY:

A handwritten signature in black ink, appearing to read 'Daryl J. Corbin', with a long, sweeping horizontal flourish extending to the right.

DARYL J. CORBIN
Attorney for Appellant

Florence, South Carolina

July 31, 2009

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM DARLINGTON COUNTY
HONORABLE J. MICHAEL BAXLEY, CIRCUIT COURT JUDGE
C/A NO. 2004-CP-16-322

Ruth J. Person,

Appellant,

vs.

Carolinas Pines Regional Medical Center,

Respondent.

PROOF OF SERVICE

I, Daryl J. Corbin, counsel for Appellant Ruth J. Person, certify that I have served the within Amended Notice of Motion and Motion for Extension of Time to Serve the Record on Appeal on July 31, 2009, by depositing a copy of the same in the United States Mail, postage prepaid, addressed to the following:


Martin S. Driggers, Jr., Esquire
Sweeny, Wingate & Barrow
115 Cargill Way, Suite B
Hartsville, SC 29551

RESPECTFULLY SUBMITTED,

RECEIVED
AUG 03 2009
SC Court of Appeals

CORBIN LAW FIRM
227 West Evans Street
Post Office Box 447
Florence, South Carolina 29503-0447
(843)667-6119

BY:



DARYL J. CORBIN
Attorney for Appellant

Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

DARYL J. CORBIN
ATTORNEY AT LAW

TELEPHONE: (843)667-6119
FACSIMILE: (843)664-9180

July 31, 2009

RECEIVED

AUG 03 2009

SC Court of Appeals

The Honorable Kenneth A. Richstad
South Carolina Court of Appeals
Clerk of Court
Post Office Box 11629
Columbia, SC 29211

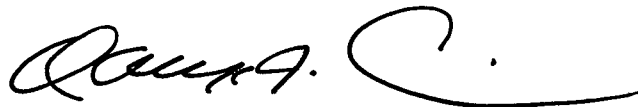
Re: **Ruth J. Person v. Carolina Pines Regional Medical Center**
(Case No. 2004-CP-21-322)

Dear Mr. Richstad:

Pursuant to Paula's instructions, please find enclosed and accept for filing an original and six (6) copies of an Amended Notice of Motion and Motion for an Extension of Time to Serve the Record on Appeal in the Person. Since I previously sent the Court of Appeals a \$25 filing fee, I understand an additional filing fee is not necessary in this matter. I appreciate your courtesy. If you require anything else, please do not hesitate to contact me.

Thank you; and, with warm regards, I am

Sincerely yours,



Daryl J. Corbin

DJC/cbs/6069
Enclosures

cc: Martin S. Driggers, Jr., Esquire

The South Carolina Court of Appeals

Ruth J. Person,

Appellant,

v.

Carolina Pines Regional Medical
Center,

Respondent.

The Honorable J. Michael Baxley
Darlington County
Trial Court Case No 2004-CP-16-00322

ORDER

For good cause having been shown, the time for serving the Record on Appeal and filing Proof of Service with the Court in the above entitled matter is hereby extended until August 31, 2008.

IT IS SO ORDERED.

KAYE G. HEARN, CHIEF JUDGE
For the Court

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina
8/04/2009

cc: Daryl James Corbin, Esquire
Martin Driggers, Jr., Esquire

RECEIVED
SEP 01 2009
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DARLINGTON COUNTY
Court of Common Pleas
The Honorable J Michael Baxley

Case No · 2001-CP-16-00813

Ruth J. Person,

Appellant,

v.

Carolina Pines
Regional Medical Center,

Respondent.

**RETURN TO APPELLANT'S MOTION TO STRIKE PORTIONS OF RESPONDENT'S
DESIGNATION OF MATTER AND TO STAY SERVICE OF RECORD ON APPEAL**

Appellant's counsel on Saturday, August 29, 2009, served a motion, *inter alia*, to strike some of the trial transcript from Respondent's designation of matter for inclusion in the Record on Appeal. The Record on Appeal itself was to be served on Monday, August 31 pursuant to this Court's Order of August 4, 2009 granting Appellant an extension for its filing and serving. Respondent's Designation of Matter had been filed and served on July 1, 2009.

In Appellant's Motion to Strike, Appellant's counsel cites 15 short extracts (though two overlap, pp. 5, 8) from the trial transcript as not being relevant to the appeal. Respondent disagrees strongly with Appellant's counsel's characterization of any portion of the trial transcript as irrelevant and subject to being struck.

ARGUMENT

I. THE OCCURRENCES DESIGNATED ARE NOT IRRELEVANT.

When considering whether to overturn a jury verdict an appellate court needs to be able to evaluate the entire tenor and tone of a trial. Considering whether to reverse a verdict arrived at unanimously by 12 jurors is sufficiently significant that the record of trial should not be abridged in any way. Some portions of the record will, of course, merit more attention than others, but a full picture of what happened should be presented to the reviewing court. When the trial court is alleged, as here, to have refused to enforce the South Carolina Rules of Civil Procedure, the reviewing court particularly needs to see the whole picture of the trial. Review should not be limited to one or two examples. The complete transcript of trial, moreover, provides a narrative that is easier to follow – a story – that is not available from limited excerpts of the trial. Context is provided for other events and holdings in the trial.

II. GIVEN THAT A RESPONDENT IS ENTITLED TO RAISE ADDITIONAL SUSTAINING GROUNDS, THE ISSUES TO BE ADDRESSED IN THE RECORD ARE NOT AS NARROW AS APPELLANT SUGGESTS.

Appellant’s motion states that there are “limited appellate issues in this case” involving Appellant’s allegations of discovery abuse, the “trial court’s refusal to enforce” the SCRCPP, and the “trial court’s refusal” to give an “adverse inference” charge to the jury. Two of those issues, however, are quite far reaching: “discovery abuse” that allegedly occurred pre-trial and post-trial; and “refusal to enforce” the rules of civil procedure, with no specification of time. The Appellant’s “narrow” appellate issues are, therefore, not actually narrow.

From the Respondent’s perspective, however, the issues are much less narrow. Under Rule 220(c), SCACR, a respondent may raise, and an appellate court affirm, “upon any ground appearing in the Record on Appeal.” In the case at hand, Respondent has grounds for the

Court's affirming the trial court which are not mentioned by the Appellant. Respondent clearly needs a more extensive record to support these additional sustaining grounds.

Specifically, Respondent has raised as an additional sustaining ground that South Carolina has not recognized a cause of action for negligent credentialing, another that Appellant's post-trial motion was untimely and that the trial court did not have subject matter jurisdiction to entertain Appellant's post-trial motion. These additional sustaining grounds clearly require materials in the Record that Appellant does not require for the "narrow" issues on appeal that Appellant has raised.

III. THE UNKNOWN REQUIREMENTS OF ORAL ARGUMENT DICTATE MAKING A FULL RECORD.

It goes without saying that counsel at oral argument may be presented with questions that they do not anticipate. To be prepared for that eventuality – to the extent anyone can be fully prepared – counsel needs to have at its disposal a complete record. Counsel is better equipped to be able to provide correct answers to the court's questions if it has the full record available. The attorneys can better represent their clients at the oral argument, and can make the oral argument more productive for the court, if they can provide an answer for the court by reference to the Record. To know that a point was addressed in the trial court, but that testimony or colloquy has been included in the Record, would be a source of frustration and regret for the attorney who was asked the question.

IV. PROVIDING THE FULL TRANSCRIPT OF TRIAL FULFILLS MORE FULLY THE EXPRESS PURPOSES OF THE RULES OF CIVIL PROCEDURE.

Rule 1, SCRCP, states that the Rules of Civil Procedure "shall be construed to secure the just, speedy, and inexpensive determination of every action." Designating the transcript of trial, rather than cutting out selected portions of that transcript, accomplishes those objectives more fully.

Considering the whole trial, rather than limited sections – which may inadvertently omit key testimony or rulings – is more likely to lead to a just result. Having an unjust result of a civil appeal because an attorney mistakenly or inadvertently failed to designate one or more key portions would be a miscarriage of justice, particularly given the small additional expense of putting the whole trial transcript in the Record.

Because the great majority of pages that Appellant seeks to strike are partial pages – which should be included in the Record, Rule 210(c), SCRCP, (“[w]here a portion of a page of the trial transcript . . . is to be included in the Record on Appeal, the entire page shall be included”) – Appellant’s proposal to strike affects only five pages: 101, 462, 504, 567 and 698. Assuming \$0.10 per page for printing those five pages for 17 copies, the savings would be \$8.50.

Time worth far more than \$8.50 would be expended in reviewing the transcript in detail for the purpose of deciding whether or not anything on the page is directly relevant to an issue on appeal, an additional sustaining ground, or a possible question of oral argument. The objective of making every action “inexpensive,” Rule 1, SCRCP, would be thrown out the window if the Court decided that parts of the trial transcript are irrelevant and that such a page-by-page (and perhaps even line-by-line) review of the transcript is required prior to designating for the Record.

V. APPELLANT HAS WAIVED ANY OBJECTION SHE HAS AS TO THE RECORD.

Rule 207(a), SCRCP, makes provision for an early determination of whether portions of the trial transcript should be omitted from consideration. That Rule provides, in pertinent part, that if an appellant proposes to order less than the entire transcript of trial and the respondent unjustifiably refuses to agree to that proposal, the appellant may seek from the appellate court the costs of transcribing the unnecessary portions. Appellant has never made any such proposal, leading to the conclusion that Appellant considered all parts of the transcript of trial necessary.

Having failed to make such a proposal to Respondent, thereby precluding any determination of whether Respondent's insistence on ordering – and inferably using – the whole transcript was “unjustified,” Appellant has waived any claim that the whole transcript should not be used.

Respondent's Designation of Matter for Inclusion in the Record on Appeal was served on Appellant on July 1, 2009. Appellant did not serve or file any objection to that designation until Saturday, August 29, 2009 – 60 days later. The Record on Appeal, after Appellant had received one extension, was due to be served on the following Monday. Having failed to act for 60 days, Appellant should be held to have waived any complaint about Respondent's designation.


Appellant's motion exacerbates a situation created primarily by her prior extensions to file and serve documents in the appeal. The Notice of Appeal in this case was served on May 21, 2008, 16 months ago, based on a trial conducted November 6-14, 2006. The circumstances suggest that Appellant's counsel concluded this past Saturday that he could not accomplish service on Monday, so he filed and served the current motion.

CONCLUSION

Appellant's Motion to Strike should be denied. A short time should be allowed to serve the Record on Appeal.

Respectfully submitted,

SWEENEY, WINGATE & BARROW, P.A.



William O. Sweeney, III
Martin S. Driggers, Jr.
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Columbia, South Carolina 29211
(803)256-2233

Attorneys for Carolina Pines Regional Medical
Center

September 1, 2009

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
SEP 01 2009
SC Court of Appeals

APPEAL FROM DARLINGTON COUNTY
Court of Common Pleas
The Honorable J. Michael Baxley

Case No.. 2001-CP-16-00813

Ruth J Person,

Appellant,

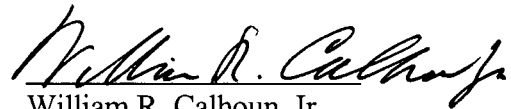
v.

Carolina Pines
Regional Medical Center,

Respondent

PROOF OF SERVICE

I certify that I have served a copy of the Respondent's Return to Appellant's Motion to Strike Material from the Record on Appeal on Ruth J Person by depositing a copy of the Return in the United States Mail, postage prepaid, on September 1, 2009 addressed to her attorney of record, Daryl J. Corbin, Corbin Law Firm, Post Office Box 447, Florence, S.C. 29503-0447.



William R. Calhoun, Jr.
Post Office Box 12129
Columbia, S. C. 29211
(803) 256-2233
Attorney for Respondent

Columbia, South Carolina
September 1, 2009

S·W·B

SWEENEY WINGATE & BARROW P.A.

September 1, 2009

RECEIVED

SEP 01 2009

SC Court of Appeals

Reply to Main Office
William O. Sweeney, III
(803) 256-2233 x 107
wos@swblaw.com

Honorable Jeanette F. Barber
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

VIA HAND DELIVERY

RE. Ruth J Person v Thomas v. Mincheff, M.D., Hartsville Surgical Center, and
Carolina Pines Regional Medical Center
Civil Action No.. 01-CP-16-0813
Our File 1863/4062

Dear Ms Barber:

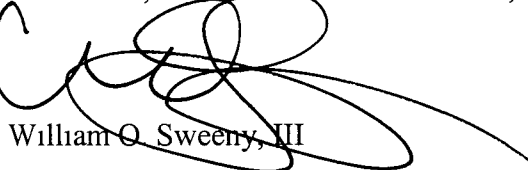
Enclosed for filing are the original and seven copies of Respondent's Return to Appellant's Motion to Strike Material from Respondent's Designation of Matter in this case, along with a Proof of Service. Please return with the courier who delivers these documents at least one stamped copy of each

This correspondence is being served on opposing counsel along with the cited documents.

Thank you very much

Yours truly,

SWEENEY, WINGATE & BARROW, P.A.



William O. Sweeney, III

WOS/bjp
Enclosure

CC. Daryl J Corbin, Esquire
Post Office Box 447
Florence, South Carolina 29503

RECEIVED

SEP 02 2009

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM DARLINGTON COUNTY
HONORABLE J. MICHAEL BAXLEY, CIRCUIT COURT JUDGE
C/A NO. 2004-CP-16-322

Ruth J. Person,

Appellant,

vs.

Carolinas Pines Regional Medical Center,

Respondent.

APPELLANT'S MOTION TO STRIKE PORTIONS OF RESPONDENT'S
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL
AND STAY DEADLINE TO FILE AND SERVE RECORD ON APPEAL

Appellant Ruth J. Person ("Person") respectfully petitions the Court to decide whether the designation of Respondent Carolina Pines Regional Medical Center ("Carolina Pines") to include the entire trial transcript ("transcript") of approximately eleven hundred (1,100) pages and copies of various other memoranda, letters, deposition notices, and subpoenas in the Record on Appeal is appropriate given the limited appellate issues in this case involving Carolina Pines' chronic discovery abuse, the trial court's refusal to enforce the South Carolina Rules of Civil Procedure ("Rules"), and the trial court's refusal to give the jury "adverse inference" charges. If the Court agrees with Carolina Pines' designation, Person would be required under Rule 210 to make more than twenty-five thousand (25,000) copies

for the Record on Appeal. The basis for Person's motion is as follows:

Person sued Carolina Pines for negligence. Prior to trial, the lower court ordered Carolina Pines to provide various discovery materials to Person's counsel. Carolina Pines failed to comply with the lower court's pretrial discovery order. Moreover, the trial court refused to give the jury "adverse inference" charges involving Carolina Pines' failure to produce the discovery materials in violation of the Rules and the pretrial discovery order.

After the jury found in favor of Carolina Pines, the trial court allowed Person's counsel to pursue post-trial discovery involving the lost, missing, hidden, or destroyed materials Carolina Pines failed to produce under the pretrial discovery order. In fact, the trial court ordered Carolina Pines to fully-comply with the previous discovery order or face a potential new trial. Person believes Carolina Pines failed to comply with the trial court's pretrial and post-trial discovery orders. Accordingly, Person sought a new trial due to Carolina Pines' chronic discovery abuse and the trial court's failure to issue "adverse inference" charges to the jury. The trial court denied Person's Motion for a New Trial. Person filed her appeal.

The complete transcript contains almost eleven hundred (1,100) pages. Most of the transcript is neither relevant nor material to the "chronic discovery abuse" and "adverse inference" charge issues on appeal. In fact, Person's counsel's proposed "Designation of Matter to be Included in the Record on Appeal" ("Person's designation") consists of approximately two hundred (200) pages.

Despite the relatively narrow basis of Person's appeal, Carolina Pines' counsel wants

to include the entire one thousand seventy-one (1,071) page transcript in the Record on Appeal. Further, Carolina Pines' counsel certified to the Court that its "designation contains no material that is irrelevant to this appeal." In addition, Carolina Pines' designation includes hundreds of pages of Carolina Pines' pretrial and post-trial memoranda, letters, and various other materials. Person's counsel estimates Carolina Pines' designation of its "relevant" material totals approximately fifteen hundred (1,500) pages. In short, Carolina Pines' designation is about eight (8) times the volume of Person's designation.

Person's counsel designated and certified only narrow, specific parts of some of the trial witnesses as relevant to the appeal. On the other hand, Carolina Pines' counsel wants every word in the trial transcript included in the Record on Appeal. Person's counsel does not believe Carolina Pines' designation contains only "relevant" material involving this appeal. How can opening statements be relevant in a "discovery abuse" appeal? How can the entire testimony of every single witness have relevance to this appeal? How could trial testimony of where someone attended school, where they live, or the definition of a medical term possibly have any relevance to the appellate issues of chronic discovery abuse or the proposed adverse inference charges? Person's counsel believes Carolina Pines' appellate behavior is consistent with its well-established, chronic discovery abuse and violation of the Rules.

Although Carolina Pines' certified designation contains hundreds of pages of clearly irrelevant appellate materials, just a few examples illustrate the general basis for Person's counsel's decision to raise the relevance issue prior to making numerous copies of a Record

on Appeal containing obviously irrelevant references. For example, no one can reasonably conclude the following transcript parts are even remotely relevant:

The Court: All right. Ladies and gentlemen, we have reached probably the best stopping point for the day. We were not certain how long opening arguments would take, and also the first witness will run us beyond the 5:00 hour so we will stop for the day. Tomorrow we will have a full day though, and we will start at 9:00 in the morning. Now tomorrow is Election Day and of course, it is important that each and every one of us exercise our option to vote. And I do not want the Court in any way to impeded that. I wonder if we start at 9:00 tomorrow morning, will you be able to vote before you come? If we work from 9:00 until 5:00 tomorrow, will everyone have an opportunity to vote either before 9:00 when the polls open at 7:00 or after 5:00, between 5:00 and 7:00? Is that a problem for anyone? All right. Let's do this. Let's start at 9:00 and what I will ask you to do, as I discussed earlier today, when you go home and your loved ones say, what is the case about, and rather than discuss the facts with them, please tell them the judge has asked you not to do that. And again, here is the reason for that. Whatever decision you make should come from evidence which is subject to direct and cross-examination appropriate evidence here in the Court and not something said by a loved one who may be of extreme influence in your life, but who may not have the full understanding of the case because that little conversation, that snippet you are having, may not convey it to them. So please tell your loved ones you can discuss this fully with them, but only after the case is over and be back at 9:00 in the morning. Now just so we will know, will we have some coffee or donuts or any kind of refreshments for the jury in the morning.

Clerk of Court: Yes sir.

P. 100, l. 19 - p. 101, l. 25

How can Carolina Pines believe any of the following transcript parts are relevant?

The Court: If you want to come a minute or two earlier and sip some coffee and have a donut with your friend or your new friends or perhaps some old friends on the jury, please do so and will try to start promptly at 9:00 in the morning.

p. 102, l. 1-5

The Court: All right. Ladies and gentlemen, you are going to feel like a ping-pong ball here in a minute. But let me just say this to you. There are some photographs that are going to be introduced in Ms. Person's testimony that I need to discuss with counsel, and I need to do that outside your presence. I'm going to give you, yet another break and we will be with you in a moment. Thank you for your understanding.

(Whereupon, the jury exits the courtroom at 3:18 p.m.)

Mr. Corbin: Your Honor, her wheelchair broke, and Ms. Voight is trying to fix it, Your Honor.

The Court: All right., Very good. While we do that let's talk for a moment.

Mr. Corbin: Yes, sir.

p. 305, l. 10 - 24

Can Carolina Pines explain the certified relevance of the following?

The Court: Ladies and gentleman, counsel wishes to discuss a matter outside of your presence, and I will grant them that opportunity. It's not that we are keeping things from you, but it is a matter of law. But before we do that, let me describe to you the procedure on how we choose our alternate juror. By statute they are not just chosen from among the two in the order in which they are picked from the jury venire. What happens is, both of their names are placed in a box and randomly chosen, one of the two, by our clerk. Mr. Clerk are you ready to do that?

Clerk of Court: Yes sir.

The Court: Then when you are ready, please make your call.

Clerk of Court: Tina Tedder, Juror 107.

The Court: Ms. Tedder, when you come back in, Ma'am, I will let you be seated among the twelve, and thank you for your service as a juror on the panel of twelve.

I will ask you at this point if you would step to your jury room, we will be with you momentarily. Thank you for your understanding of this.

(Whereupon, the jury exits the courtroom at 9:59 a.m.)

p. 161, l. 19 - p. 162, l. 15

The Court: Counsel, let me get you to come up and talk about one little thing here. We will take a court break not about ten or fifteen minutes.

(Whereupon, a bench conference was held)

(Whereupon, a recess was taken from 9:59 a.m. until 10:21 a.m.)

The Court: All right. Are we ready for the jury?

Mr. Corbin: Yes, sir.

The Court: Please bring in the jury.

(Whereupon, the jury enters the courtroom at 10:21 a.m.)

The Court: All right. Ms. Tedder, welcome to the twelve jurors, and Mr. Smith we will let you remain as our alternate juror for the present time.

You will recall, we were questioning the witness. You may proceed, counsel.

p. 166, l. 20 - p. 167, l. 12

Some more patently irrelevant certified designations of Carolina Pines follow:

The Court: All right. Is everyone comfortable? Ms. Brooks, I am going to ask, Ma'am, if you would serve as our jury foreperson, and that is why I asked if you would sit in that seat, and that is why there is a little bit of confusion about the seats. Thank you for agreeing to do that. And, I'll talk with you a little bit further in the presence of all of your colleagues about the responsibility of the foreperson. Again, thank you for your service.

Now, while this case continues, ladies and gentleman of the jury, I'm going to ask Ms. Brooks to sit in that seat every time and Mr. Smith as alternate to sit in that seat every time. If the rest of you wish to move

around within the box, you may move around amongst yourselves if you wish to do so. You will recall we ended the morning hour with a conclusion of direct-examination. We will now get a cross-examination.

p. 245, l. 14 - p. 246, l. 5

A lot of the transcript Carolina Pines certifies as relevant contains language typical to the following:

The Court: Tell me how much longer do you believe your cross, not to limit you, but just to know, so I can decide about taking a break.

Mr. Driggers: It will be through in about fifteen minutes.

The Court: All right. Let's go ahead and finish this before all of us take our break and then give you redirect and that way our witness will be able to meet her travel schedule.

So. Mr. Medlin, let's bring in the jury, please.

Mr. Corbin: May I inquire, there is not additional McLeod stuff up there?

Ms. Voight: No, I gave it back to him.

The Court: Let's just take approximately a five minute break. I'm going to sit here and do a couple things.

(Whereupon, Court convenes at 3:00 p.m.)

The Court: All right. We have resolved the matter. I think all of our jurors are back so let's bring in the jury.

(Whereupon, the jury enters the courtroom at 3:00 p.m.)

The Court: Welcome back to the courtroom; I trust you had a nice break. As you will recall we stopped for an objection; I sustained the objection; please move forward with your next line of questioning Mr. Driggers.

p. 292, l. 4 - p. 293, l. 5

The Court: All right. Let me get you to come up to the bench if you will for just a moment. Now, Ms. Person, just be comfortable where you are. We will be with you in a moment.

(Whereupon, a bench conference was held in the presence of the jury but out of the hearing of the jury.)

The Court: Alright. Ladies and gentlemen, you are going to feel like a ping-pong ball here in a minute. But let me just say this to you. There are some photographs that are going to be introduced in Ms. Person's testimony that I need to discuss with counsel, and I need to do that outside your presence. I'm going to give you yet another break and we will be with you in a moment. Thank you for your understanding.

(Whereupon, the jury exits the courtroom at 3:18 p.m.)

How can the following constitute relevant material?

Mr. Corbin: Your Honor, her wheelchair broke, and Ms. Voight is trying to fix it, Your Honor.

The Court: All right. Very good. While we do that let's talk for a moment.

p. 305, l. 3 - 23

Person's counsel should not have to copy (and the Court should not have to read) hundreds of transcript parts "relevant" to Carolinas Pines similar to the following:

The Court: All right. Ms. Person, are we ready to get your wheelchair fixed, ma'am?

Ms. Person: Yes, sir.

The Court: All right. Mr. Corbin, while our jury is out, do we want to go ahead and have Ms. Person move up to the place, so we can make sure she is situated appropriately?

(Pause)

The Court: All right, ma'am, that's good. We may want to turn out a little bit - - Is it comfortable for you to turn your head to the jury, or do you need

to turn your body to where you will be facing a little more, Ms. Person?

Ms. Person: This is fine.

The Court: You're fine. All right. Very good. Now, let's do a voice check, to make sure we can pick upon when you speak. Just tell us your name, please Ma'am.

Ms. Person: Ruth J. Person. Ruth J. Person.

The Court: All right, good.

Mr. Corbin: Can I please remind Ruthie to speak up during the testimony:

The Court: You may. Anything further before you bring the jury in?

Mr. Corbin: No sir, not from the plaintiff.

The Court: Let's bring in the jury please.

(Whereupon, the jury enters the courtroom at 3:41 p.m.)

p. 314, 17 - p. 315, l. 19

The Court: All right. Ladies and gentlemen, I told you we would end the proceedings at five for those of you who have not yet voted and wanted the opportunity to do so. We are going to break here.

Ms. Person I want to tell you in front of the jury Ma'am, please, because you are a witness under testimony, do not discuss your testimony with your attorney or with the attorneys for the other side during the evening break. We will come back tomorrow morning and take up right where we are. All right. That will not be appropriate to talk with them about your testimony in any fashion. All right?

Ms. Person: Yes sir.

The Court: All right. Now, ladies and gentlemen of the jury, please, as I asked you last night, don't discuss the facts of this case with anyone. Just get a good night's rest. We are going to start back at 9:00 tomorrow morning. If you will be in the jury room at 9:00, then we will begin at 9:00.

Have a nice evening. Let everyone else remain while our jury departs the courtroom. We will be glad to take those up for you.

Mr. Corbin: Ms. Ruthie, I will see you about 8:30 or so in the morning.

p. 363, l. 18 - p. 364, l. 16

The Court: All right. Ladies and gentlemen, welcome back to the courtroom. I trust that you had a nice evening, and thank you for being back on time this morning.

Let me ask, is there any member of the jury panel who has had a discussion about the facts of this case with any third party, or contacted concerning this case since we were last together; if that applies to you, please raise your hand. All right. Let the record reflect that no one has raised their hand. Thank you again for complying with the Court's instruction.

Ms. Tedder, are you comfortable there in the alternate seat today? I think we have everybody situated today. Thank you for your understanding of the confusion yesterday.

You will recall at the end of the day yesterday we were in plaintiff's direct examination of the plaintiff, Ms. Person. Ms. Person, we will call you back to the stand at this time and resume your testimony.

(Whereupon, Ms. Person returns to the stand at 9:14 a.m. for Direct Examination by Mr. Corbin)

p. 369, 1 - 22

More transcript parts which Carolina Pines certifies as relevant to the Court follow:

The Court: Ma'am, you may return to the table if you wish.

Ms. Person: Thank you, sir.

The Court: Thank you. Counsel, come up and let's talk about scheduling a moment, please.

(Whereupon, a bench conference was held in the presence of the jury but out of the hearing of the jury.)

The Court:

All right. We are just discussing scheduling. By the way, as we've had testimony you may have seen me talking one or twice here, and I don't want you to think I'm not paying attention, but we had a little bit of work with the heat system here. We are trying to make it a little warmer in the courtroom, and please let us know if you are not comfortable. I notice that most of you are wearing jackets. It has been a little cool in here. And if you are not comfortable, please let your bailiff know that, and we'll try to react to it as best we can. I will tell you that the thermostat on the wall doesn't always control the temperature in this room. I don't understand how it works but it's complicated.

Secondly, the next witness is going to take - - - the direct examination would take us beyond the lunch hour. I have a matter which I set some weeks ago with attorneys coming in from around the State at 2:00. What I am going to do is, give you a break until 2:15. That is a two-hour lunch, that's a little bit longer than we would normally take, but for scheduling reasons that is really the best thing we can do.

So have a nice lunch, lunch will be on your own. Please don't discuss the facts of the case with anyone. But be back in the jury room at 2:15, and we will see you at that time.

Let's everyone else, remain where they are while our jury departs.

(Whereupon, the jury exits the courtroom at 12:14 p.m.)

The Court:

All right, we will be in recess now until, staff until 2:00 p.m. We will start back with staff at 2:00 p.m. This case most likely 2:15 p.m. or a few minutes thereafter.

Counsel, after you speak with your clients, let's go back and talk again in chambers on several of the issues.

(Whereupon, a recess was taken from 12:14 p.m. until Court goes down at 2:15 p.m. 2:35 p.m.)

Bailiff:

They are all here Judge.

The Court:

All right. Please bring in the jury.

How can these transcript parts be certified as relevant?

The Court: All right, before we have cross examination, we are going to take a break at this time. I am going to ask you, please sir, don't talk with either attorney, because you are a witness under testimony, but if you wish to step down and take a break you may do so.

Ladies and gentleman, please enjoy your break, and lets everyone else remain where they are while our jury departs the courtroom

(Whereupon, the jury departs the courtroom at 3:42 p.m.)

(Whereupon, a recess was taken from 3:42 until 3:57 p.m.)

The Court: If we have to change locations one of the problems we are going to have is finding a courtroom that is adequate to seat the full jury panel. The thirteenth jury is a problem, and my preference would be to release the alternate, but I would only do that if the parties would agree to accept the anonymous verdict of however many jurors we have, but it would at least be ten. That is ten or more anonymous verdict, would you accept that which would allow me to release our alternate at the end of the day. What says the Plaintiff?

Mr. Corbin: Absolutely.

The Court: What says the defense?

Mr. Sweeney: We will do that.

The Court: All right. Now, I hesitate to tell the alternate that she has to go, but because she has invested her week she may be interested and caught up in the case for all I know, and I hesitate to do that. I may give the alternate the option. I just have to think about how I am going to handle that. But I probably need to handle that today. Also at the end of the day, I am going to tell the jury that we will not work Friday, we will not work Saturday, but we will come back next week so they can make whatever work plans. And before I release the alternate I need to know whether that is a catastrophic turn of events for any particular juror we would need to deal with. So I probably will have that discussion with them at the end of the day.

Mr. Corbin: Do we know where we're going yet, Your Honor?

The Court: No. Mr. Suggs is working full time on that. All right, anything else before we bring in the jury.

Mr. Corbin: No, sir.

The Court: Are you ready to go, Dr. DeMaria?

Dr. DeMaria: Yes, sir.

The Court: All right, please bring in the jury.

(Whereupon, the jury enters the courtroom at 3:57 p.m.)

p. 503, l. 10 - p. 505, l. 9

Carolina Pines believes the following transcript part is certifiably relevant:

The Court: All right, sir, you may step down. Thank you.

All right, ladies and gentleman, we've come to the end of the day. Just one moment, please. I am going to ask you to be back in the jury room tomorrow morning at 9:00 and we will begin at 9:00 tomorrow morning but before you leave let's just discuss one thing with you and I want to give you as much heads up as I can so that you will have an opportunity to react to it.

You've see the Clerk coming and speaking with me a couple times this afternoon, and what we have been attempting to do is do some rescheduling. It appears that after discussion with the attorneys that this case may go beyond this week. We also have a vacation, a holiday on Friday. Many of you, I assume, have holiday from your work. You may have plans with your family, and it would not be my intention that we would work on Friday, nor on Saturday. Meaning we would come back after we finish tomorrow that would be Thursday, on Monday to finish the case. It appears to me and I cannot be certain that the case may go as far as Monday, Tuesday and perhaps into Wednesday when you begin your deliberations. Again, that is an absolute estimate, there is no certainty in that.

When we started this week, I talked with you about scheduling, and the

fact that you all bring busy lives to the courtroom, that this is an interruption in your lives. I ask that if any of you have a catastrophic problem with being summoned this week to jury service. I want to give you some time to think over night. I am going to ask you tomorrow morning whether any of you have some catastrophic result with your schedule, work, life, family, whatever it may be if this case goes over, and we will talk with you about that for purposes of how I define catastrophic. For example, I am scheduled on Monday morning with a hundred and fifty jurors just as we began this week to start a term of Court in Georgetown County, South Carolina with cases on the roster, the lawyers are ready to go, and we are in the process now of rearranging that, and so we are going to some difficulty to accommodate the needs here in this case in which we are presently engaged. I would hope that in your lives you would be able to do that as well and cope as best you can with this schedule change I'm discussing with you, but again tomorrow I will give you the opportunity to discuss with me first-thing how this may impact you individually, and we will have an opportunity to discuss that. Again, that is information only, please don't discuss the facts of this case with those loved ones at home. You might certainly wish to discuss with them what I just talked with you about the schedule and we will see you at 9:00 tomorrow morning. Have a good evening, ladies and gentlemen.

(Whereupon, the jury departs the courtroom at 5:20 p.m.)

p. 566, l. 16 - p. 568, l. 18

Person's counsel did not include the following transcript part in Person's designation given its utter irrelevance:

Mr. Corbin: Your Honor, may we approach?

The Court: You may.

(Whereupon, a bench conference was held in the presence of the jury but out of the hearing of the jury.)

The Court: Ladies and gentlemen, the Plaintiff advises, Mr. Corbin, do you intend to rest at this time?

Mr. Corbin: Your Honor, Ms. Ruthie Person, would rest.

The Court:

All right the Plaintiff tells me they intend to rest at this point.

Before we go into any further witnesses, this is probably a good point for us to stop, because whatever witness may go beyond the 5:00 hour. The Court has certain matters I need to take up at the end when a party rests, no matter which party it is. We do this in all cases. So I have a few administrative things I need to do. So I am going to let you go. I am going to ask you to be back at 9:00 on Monday morning. Now, when you get here, I just want to tell you in advance, there is another jury term, general sessions, that's criminal court will be operating here. What is going to happen is, that jury is going to gather in a building over across on the square, not here in the courthouse. So when you walk in the courthouse somebody probably may not fully know what's happening is going to say to you, well, the jury is gathering over here at, and, I believe it is at the Old Morgan Building. Please do not listen to whatever anyone tells you about where the jury is gathering. Please come back to your jury room at 9:00 on Monday morning. And we will begin again at 9:00 in the Defendant's case.

Now, let's see, do we have any further information from the Clerk's office for our jurors? All right then we will look to see you then. I hope you have a nice weekend, those of you that get to enjoy a holiday. We will see you Monday morning at 9:00

One last thing, please. We will take those up from you and we will keep them. And I say to you again, no one will have access to your notes. They will be kept secure.

Please don't discuss the facts of this case with anyone. Please don't undertake some investigation of your own, whether it be via internet or whatever it may be. Just come back on Monday morning having had a restful weekend. We will see you at 9:00.

Any questions now from our jury about scheduling or about any other issue? All right, have a nice weekend. Let's all remain where we are while our jury departs the courtroom.

(Whereupon, the jury departs the courtroom at 4:04 p.m.)

Person's counsel felt uncomfortable in burdening the Court with hundreds of pages of what appears to be utterly useless information not relevant to the serious appellate issues of chronic discovery abuse, violation of the lower court's discovery orders, and the lower court's refusal to enforce the Rules and its failure to at least issue "adverse inference" jury charges. Under Rule 210, Person would bear the time and expenses of copying thousands of totally inconsequential pages. The Court's time would be needlessly wasted. Person's counsel believes Carolina Pines continues to violate the Rules in an effort to unfairly and wrongfully burden Person with unnecessary work and expenses.

Accordingly, Person's counsel requests that the Court require Carolina Pines' counsel to explain the relevance of every word of the eleven hundred (1,100) page transcript and the hundreds of additional pages of material in Carolina Pines' designation. In addition, Person's counsel requests that the time for Person's counsel to copy, bind, and serve the Record on Appeal and its fifteen (15) copies under Rule 210 be held in abeyance pending the Court's decision in this matter. Finally, if the Court wants the Record on Appeal and the requisite copies to total approximately twenty-five thousand (25,000) pages, Person's counsel would respectfully request an additional thirty (30) days to complete the mammoth copying process.

RESPECTFULLY SUBMITTED,

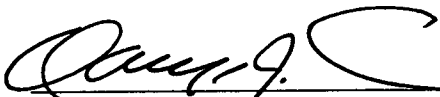
CORBIN LAW FIRM

227 West Evans Street

Post Office Box 447

Florence, South Carolina 29503-0447

(843)667-6119

BY: 

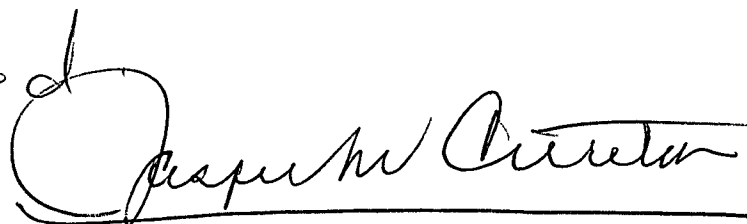
DARYL J. CORBIN

Attorney for Appellant


Florence, South Carolina

August 29, 2009

The Motion to strike portions of Respondent's Designation of Matter is Denied. The motion for an extension of time to produce the Record on Appeal is Granted

 AJ

September 15, 2009

FILED
9/15/09 

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM DARLINGTON COUNTY
HONORABLE J. MICHAEL BAXLEY, CIRCUIT COURT JUDGE
C/A NO. 2004-CP-16-322

Ruth J. Person,

Appellant,

vs.

Carolinas Pines Regional Medical Center,

Respondent.

PROOF OF SERVICE

I, Daryl J. Corbin, counsel for Appellant Ruth J. Person, certify that I have served the within Appellant's Motion to Strike Portions of Respondent's Designation of Matter to be Included in the Record on Appeal and Stay Deadline to File and Serve Record on Appeal on August 29, 2009, by depositing a copy of the same in the United States Mail, postage prepaid, addressed to the following:

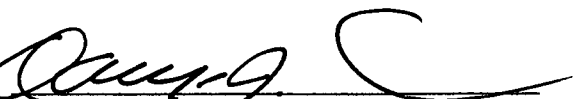
Martin S. Driggers, Jr., Esquire
Sweeny, Wingate & Barrow
115 Cargill Way, Suite B
Hartsville, SC 29551

RESPECTFULLY SUBMITTED,

CORBIN LAW FIRM
227 West Evans Street
Post Office Box 447
Florence, South Carolina 29503-0447
(843)667-6119

RECEIVED
SEP 02 2009
SC Court of Appeals

BY:



DARYL J. CORBIN
Attorney for Appellant

Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

DARYL J. CORBIN
ATTORNEY AT LAW

TELEPHONE (843)667-6119
FACSIMILE (843)664-9180

August 29, 2009

RECEIVED

SEP 02 2009

SC Court of Appeals

The Honorable Kenneth A. Richstad
South Carolina Court of Appeals
Clerk of Court
Post Office Box 11629
Columbia, SC 29211

Re: **Ruth J. Person v. Carolina Pines Regional Medical Center**
(Case No. 2004-CP-21-322)

Dear Mr. Richstad:

Please find enclosed and accept for filing an original and six (6) copies of Appellant's Motion to Strike Portions of Respondent's Designation of Matter to be Included in the Record on Appeal and Stay Deadline to File and Serve Record on Appeal in the Person case. In addition, I have enclosed the requisite \$25 filing fee. If you have any questions, please do not hesitate to contact me.

Thank you; and, with warm regards, I am

Sincerely yours,



Daryl J. Corbin

DJC/cbs/6069
Enclosures

cc: Martin S. Driggers, Jr., Esquire



The South Carolina Court of Appeals

JEANETTE F BARBER
CLERK
V CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA SOUTH CAROLINA 29201
TELEPHONE (803) 734-1890
FAX (803) 734-1839
www.sccourts.org

September 15, 2009

Daryl James Corbin, Esquire
P O Box 447
Florence, SC 29503-0447

Re Person, Ruth v Carolina Pines
200891766

Dear Mr Corbin

The following Order has been endorsed on your Motion to Strike Portions of Respondent's Designation of Matter to be Included in the Record on Appeal and Stay Deadline to File and serve Record on Appeal in the above entitled case on appeal

"The Motion to strike portions of Respondent's Designation of Matter is denied The Motion for an extension of time to produce the Record on Appeal is granted

Jasper M Cureton A J

September 15, 2009 "

Please be advised that the Record on Appeal must be served and proof of service filed with the Court no later than September 30, 2009

Very truly yours,

A handwritten signature in black ink, appearing to read "JF Barber", written over a horizontal line.

CLERK

JFB/mpm
cc Martin Driggers, Jr , Esquire

Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

DARYL J. CORBIN
ATTORNEY AT LAW

TELEPHONE: (843)667-6119
FACSIMILE: (843)664-9180

September 29, 2009

RECEIVED
SEP 29 2009
SC Court of Appeals

Via Hand-Delivery

The Honorable Kenneth A. Richstad
Clerk of Court South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Ruth J. Person v. Carolina Pines Regional Medical Center
(Case No. 2004-CP-21-322)

Dear Mr. Richstad:

Please find enclosed and accept fifteen (15) copies of the Record on Appeal and original Proof of Service in the Person case. If you have any questions, please do not hesitate to contact me.

Thank you; and, with warm regards, I am

Sincerely yours,



Daryl J. Corbin

DJC/cbs/6069
Enclosures

cc: Martin S. Driggers, Jr., Esquire

Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

TELEPHONE. (843)667-6119
FACSIMILE. (843)664-9180

DARYL J CORBIN
ATTORNEY AT LAW

September 29, 2009

RECEIVED

SEP 29 2009

SC Court of Appeals

Via Hand-Delivery

Martin S. Driggers, Jr., Esquire
Sweeny, Wingate & Barrow
1515 Lady Street
Columbia, SC 29201

Re: **Ruth J. Person v. Carolina Pines Regional Medical Center**
(Case No. 2004-CP-21-322)

Dear Martin:

Please find enclosed and a copy of the Record on Appeal and a copy of the Proof of Service in the above-captioned matter. If you have any questions, please do not hesitate to contact me.

Thank you; and, with warm regards, I am

Sincerely yours,



Daryl J. Corbin

DJC/cbs/6069
Enclosures

cc: Honorable Kenneth A. Richstad
South Carolina Court of Appeals



SWEENY WINGATE & BARROW P.A.

September 30, 2009

Reply to Main Office
William O. Sweeny, III
(803) 256-2233 x 107
wos@swblaw.com

RECEIVED

SEP 30 2009

SC Court of Appeals

Honorable Jeanette F. Barber
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

VIA HAND DELIVERY

RE: Ruth J Person v. Thomas v Mincheff, M D., Hartsville Surgical Center, and
Carolina Pines Regional Medical Center
Civil Action No 01-CP-16-0813
Our File. 1863/4062

Dear Ms. Barber.

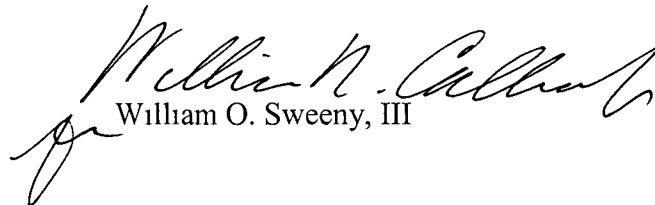
Enclosed for filing are the unbound original and 16 bound copies of Respondent's Final Brief, along with an original and one copy of a Proof of Service. Please return with the courier who delivers these documents at least one stamped copy of the brief and certificate of service.

This correspondence is being served on opposing counsel along with the cited documents

Thank you very much

Yours truly,

SWEENY, WINGATE & BARROW, P.A.



William O. Sweeny, III

WOS/bjp
Enclosure

CC. Daryl J. Corbin, Esquire
Post Office Box 447
Florence, South Carolina 29503

Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

DARYL J. CORBIN
ATTORNEY AT LAW

TELEPHONE: (843)667-6119
FACSIMILE: (843)664-9180

September 29, 2009

RECEIVED

OCT 01 2009

SC Court of Appeals

The Honorable Kenneth A. Richstad
Clerk of Court South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Ruth J. Person v. Carolina Pines Regional Medical Center
(Case No. 2004-CP-21-322)

Dear Mr. Richstad:

Please find enclosed and accept the original Certificate of Appellant involving the Record on Appeal which was filed this morning in the Person case. If you have any questions, please do not hesitate to contact me.

Thank you; and, with warm regards, I am

Sincerely yours,


Daryl J. Corbin

DJC/cbs/6069
Enclosure

cc: Martin S. Driggers, Jr., Esquire



The South Carolina Court of Appeals

JEANETTE F BARBER
CLERK

V CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE (803) 734-1890
FAX (803) 734-1839
www.sccourts.org

October 13, 2009

Daryl James Corbin, Esquire
P O Box 447
Florence, SC 29503-0447

Re Person, Ruth v Carolina Pines
200891766

Dear Mr Corbin

We have received your Record on Appeal in the above matter. However, a certificate stating that the Record on Appeal complies with the Supreme Court's order of August 13, 2007 and requested in our letter of July 23, 2009 was not filed. Please provide this Court with a certificate of compliance with the Supreme Court's order of August 13, 2007 for the Record on Appeal within ten (10) days of the date of this letter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "JF Barber".

CLERK

JFB/mpm

cc Martin Driggers, Jr, Esquire

Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

RFC (with initials)

OCT 20 2009

COURT OF APPEALS

DARYL J. CORBIN
ATTORNEY AT LAW

TELEPHONE: (843)667-6119
FACSIMILE: (843)664-9180

October 16, 2009

The Honorable Kenneth A. Richstad
South Carolina Court of Appeals
Clerk of Court
Post Office Box 11629
Columbia, SC 29211


Re: Ruth J. Person v. Carolina Pines Regional Medical Center
(Case No. 2004-CP-21-322)

Dear Mr. Richstad:

Please find enclosed and accept fifteen (15) copies of the Appellant's Final Brief, Certificate of Counsel, and Proof of Service. By copy of this correspondence, I am providing Respondent's counsel a copy of Appellant's Final Brief, Proof of Service, and Certificate of Counsel. If you have any questions, please do not hesitate to contact me.

Thank you; and, with warm regards, I am

Sincerely yours,


Daryl J. Corbin

DJC/cbs/6069
Enclosures

cc: Martin S. Driggers, Jr., Esquire



SWEENY WINGATE & BARROW P.A.

October 23, 2009

Reply to Main Office
William O. Sweeny, III
(803) 256-2233 x 107
wos@swblaw.com

Honorable Jeanette F. Barber
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

OCT 23 2009

SC Court of Appeals

VIA HAND DELIVERY

RE: Ruth J. Person v. Thomas v Mincheff, M.D., Hartsville Surgical Center, and
Carolina Pines Regional Medical Center
Civil Action No.: 01-CP-16-0813
Our File: 1863/4062

Dear Ms Barber:

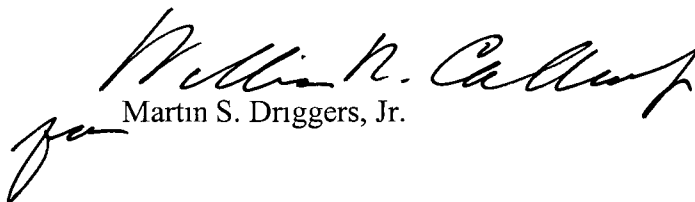
Enclosed for filing, under the provisions of Rule 208(b)(7), SCACR, is a supplemental citation that the Respondent seeks to bring to the attention of the Court. The citation is to Wood v Hilton Head Hospital, Inc., 292 S.C. 402, 405, 356 S.E.2d 841, 842 (1987). The issue addressed therein is the availability in South Carolina of a cause of action for negligent credentialing by a hospital. This issue is addressed in pp 14-22 of Respondent's brief. The citation states, in the part pertinent here, that "[i]t is well settled in South Carolina, and throughout the country, that it is improper for the courts to review the decisions of governing boards of private hospitals concerning staff privileges of practitioners" (citations omitted). This is a key issue in the present appeal.

This correspondence is being served on opposing counsel along with the cited documents.

Thank you very much

Yours truly,

SWEENY, WINGATE & BARROW, P.A.


Martin S. Driggers, Jr.

CC. Daryl J. Corbin, Esquire
Post Office Box 447
Florence, South Carolina 29503

Corbin Law Firm

227 WEST EVANS STREET
POST OFFICE BOX 447
FLORENCE, SOUTH CAROLINA 29503

DARYL J. CORBIN
ATTORNEY AT LAW

TELEPHONE: (843)667-6119
FACSIMILE: (843)664-9180

October 16, 2009

RECEIVED

OCT 19 2009

SC Court of Appeals

The Honorable Kenneth A. Richstad
Clerk of Court South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

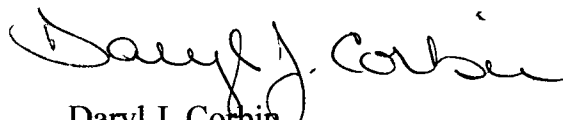
Re: Ruth J. Person v. Carolina Pines Regional Medical Center
(Case No. 2004-CP-21-322)

Dear Mr. Richstad:

Please find enclosed and accept the original Certificate of Appellant involving the Record on Appeal which was filed and served on September 29, 2009, in the Person case. If you have any questions, please do not hesitate to contact me.

Thank you; and, with warm regards, I am

Sincerely yours,


Daryl J. Corbin

DJC/cbs/6069
Enclosure

cc: Martin S. Driggers, Jr., Esquire

RECEIVED
OCT 20 2009
CLERK OF COURT
SOUTH CAROLINA COURT OF APPEALS
COLUMBIA, SOUTH CAROLINA 29211

2009-10-20 10:11:18 AM

S·W·B

SWEENY WINGATE & BARROW P.A.

RECEIVED

AUG 26 2010

SC Court of Appeals

August 25, 2010

Reply to Pee Dee Office

Martin S. Driggers, Jr.
(843) 878-0390 x 101
msd@swblaw.com

VIA FACSIMILE (803) 734-1839
AND FIRST CLASS MAIL

V. Claire Allen
Deputy Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, SC 29211

RE: Ruth J. Person v Thomas v. Mincheff, M.D., Hartsville Surgical Center, and
Carolina Pines Regional
Civil Action No.: 01-CP-16-0813
Claim No.:
Our File: 1863-4062

Dear Ms. Allen:

I am in receipt of your letter dated August 23, 2010 in regards to the above-referenced matter. I am writing to let the Court know that I am available October 5, 2010 for argument of this case. Due to an out of state conference where expenses have already been paid, I have a conflict the dates of October 6, 2010 and October 7, 2010. I would appreciate the Court not setting an argument for this case on October 6th or 7, 2010.

With kind regards, I remain

Yours truly,

SWEENY, WINGATE & BARROW, P.A.

Martin S. Driggers, Jr.

MSD/joa

cc: Daryl J. Corbin, Esquire
(843) 664-9180

S·W·B

SWEENY WINGATE & BARROW P.A.

August 25, 2010

Reply to Pee Dee Office

Martin S. Driggers, Jr.
(843) 878-0390 x 101
msd@swblaw.com

VIA FACSIMILE (803) 734-1839
AND FIRST CLASS MAIL

V Claire Allen
Deputy Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, SC 29211

RECEIVED

AUG 27 2010

SC Court of Appeals

S

RE: Ruth J Person v. Thomas v Mincheff, M.D., Hartsville Surgical Center, and
Carolina Pines Regional
Civil Action No. 01-CP-16-0813
Claim No.:
Our File. 1863-4062

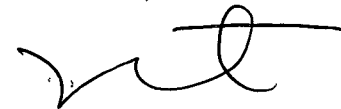
Dear Ms Allen:

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With kind regards, I remain

Yours truly,

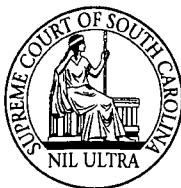
SWEENY, WINGATE & BARROW, P.A.



Martin S Driggers, Jr

MSD/joa

cc: Daryl J Corbin, Esquire
(843) 664-9180



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE (803) 734-1080
FAX (803) 734-1499

October 19, 2010

The Honorable Tanya Gee
Clerk of Court
Court of Appeals
Columbia, SC

RECEIVED

OCT 19 2010

SC Court of Appeals

Re: Person v. Carolina Pines Regional Medical Center
2004-CP-16-00322

Dear Ms. Gee:

This is to advise that the Supreme Court has declined to certify the above case for review by this Court. We are, therefore, returning the record and briefs along with this letter.

Very truly yours,


CLERK

/bs

Enclosures

CC: Daryl James Cobin, Esquire
Martin S. Driggers, Jr., Esquire



The Supreme Court of South Carolina

DANIEL E SHEAROUSE
CLERK OF COURT

BRENDA F SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE (803) 734-1080
FAX (803) 734-1499

October 19, 2010

RECEIVED

OCT 19 2010

SC Court of Appeals

The Honorable Tanya Gee
Clerk of Court
Court of Appeals
Columbia, SC

Re: Person v. Carolina Pines Regional Medical Center
2004-CP-16-00322

Dear Ms. Gee:

This is to advise that the Supreme Court has declined to certify the above case for review by this Court. We are, therefore, returning the record and briefs along with this letter.

Very truly yours,


CLERK

/bs

Enclosures

CC: Daryl James Cobin, Esquire
Martin S. Driggers, Jr., Esquire

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Ruth J. Person,

Appellant,

v.

Carolina Pines Regional
Medical Center,

Respondent.

Appeal From Darlington County
J. Michael Baxley, Circuit Court Judge

Unpublished Opinion No. 2010-UP-484
Submitted October 1, 2010 – Filed November 4, 2010

APPEAL DISMISSED

Daryl James Corbin, of Florence, for Appellant.

Martin S. Driggers, Jr, of Hartsville, for Respondent.

PER CURIAM: Appellant Ruth J. Person appeals the trial court's denial of her motion for a new trial pursuant to Rule 59(b), SCRCF, following a jury verdict for Respondent Carolina Pines Regional Medical Center. After the jury verdict, Person's counsel indicated, upon inquiry by the trial court, that Person had no post-trial motions. The next day, Person requested ten days to file a new trial motion. Because Person's request for ten days to file the motion was not timely, we dismiss¹ the appeal pursuant to Rule 220(b), SCACR, and the following authorities: Rule 59(b), SCRCF ("The motion for a new trial shall be made promptly after the jury is discharged, or in the discretion of the court not later than 10 days thereafter."); Boone v. Goodwin, 314 S.C. 374, 376, 444 S.E.2d 524, 525 (1994) ("[A] party must make a motion for a new trial promptly after the jury is discharged or request ten days within which to make the motion.").

APPEAL DISMISSED.

WILLIAMS, PIEPER, and KONDUROS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.



Case Tracking No. 2008-91766
No. 17811

APPEAL DISMISSED

The State of South Carolina

IN THE COURT OF APPEALS

Darlington County

Ruth J. Person,

Appellant,

v.

Carolina Pines Regional Medical
Center,

Respondent

PER CURIAM

H B W

WILLIAMS, J

Pieper

PIEPER, J

CKO

KONDUROS, J.

South Carolina Court of Appeals
Clerk's Office, Columbia, S.C.

FILED NOV 04 2010

Janya A. Gee
Clerk



The South Carolina Court of Appeals

TANYA A GEE
CLERK

V CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE (803) 734-1890
FAX (803) 734-1839
WWW SCCOURTS.ORG

November 4, 2010

Daryl James Corbin, Esquire
P.O. Box 447
Florence, SC 29503-0447

Martin S. Driggers, Jr., Esquire
Sweeny Wingate & Barrow, P A.
Pee Dee Regional Office
115 Cargill Way, Ste. B
Hartsville, SC 29550

Re: Person, Ruth v. Carolina Pines

Dear Counsel:

Enclosed is the opinion of the Court of Appeals in this case. Pursuant to Rule 221(b) of the South Carolina Appellate Court Rules, the remittitur in this case will be sent to the Clerk of Court for Darlington County after fifteen (15) days, exclusive of the date of filing of this opinion.

No extension for a Petition for Rehearing will be granted except in the most extraordinary circumstances and, except in the rarest cases, with seven days' notice.

Sincerely,

V. Claire Allen, Deputy

Tanya A. Gee
Clerk of Court

TAG/tf

cc: The Honorable J Michael Baxley



The South Carolina Court of Appeals

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CLERK

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November 22, 2010

REMITTITUR

The Honorable Scott B. Suggs
1 Public Square, Rm B-4
Darlington, SC 29532-3213

Re: Person, Ruth v. Carolina Pines
2004-CP-16-00322

Dear Mr. Suggs:

The above referenced matter is hereby remitted to the lower court. A copy of the judgment of this Court is attached.

Sincerely,

V. Claire Allen

V. Claire Allen
Deputy Clerk of Court

VCA/lf

cc: Daryl James Corbin, Esquire
Martin S. Driggers, Jr, Esquire