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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
In the Court of Common Pleas

Kristi L. Harrington, Circuit Court Judge

Appellate Case No. 2013-001070

RECEIVED
JUL 08 2013
SC Court of Appeals

Emilio Correa and Yunny Correa.....Appellants,

v.

Ethicon Endo-Surgery, Inc.....Respondent,

MOTION TO REINSTATE APPEAL


Counsel for the appellants moves to reinstate this appeal on the following grounds.

The Court has dismissed the appeal for failure to order the transcript of the proceedings below. When counsel for appellants filed the notice of appeal on May 17, 2013, counsel had already requested the transcript on May 13, 2013, with correspondence which is attached. *See* Exhibit 1. Further, after no response, counsel diligently again requested the transcript on June 27, 2013, with correspondence which is attached. *See* Exhibit 2.

Moreover, counsel is presently making arrangements with the court reporter to pay for the transcript, which is currently being prepared. *See* Exhibit 3.

The failure to provide the Court with the correspondence to the court reporter was inadvertent. The process of perfecting this appeal is well underway, within the applicable scheduling periods, and counsel respectfully requests this Court reinstate this appeal.

July 3, 2013


Carmen Scott
James R. Brauchle
Motley Rice LLC
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
(843) 216-9160
Attorney for Appellants

Other Counsel of Record:
Jane Thompson Davis
Nelson Mullins Riley & Scarborough LLP
151 Meeting St./Sixth Floor
Charleston, SC 29401
(843) 853-5200
Attorney for Respondent

Joseph J. Tierney
Young Clement Rivers LLP
P.O. Box 993
Charleston, SC 29402
Attorney for Bon Secours St. Francis Xavier Hospital, Inc.

Hugh W. Buyck
Buyck and Sanders Law Firm LLC
P.O. Box 2424
Mt. Pleasant, SC 29464-2424
Attorney for Dr. Samuel Hazell and Ashley River Surgical Associates

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Emilio Correa and Yunny Correa.....Appellants,

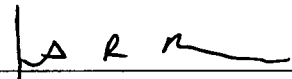
v.

Ethicon Endo-Surgery, Inc.....Respondent,

PROOF OF SERVICE

I certify that I have served the Motion to Reinstate the Appeal of order granting summary judgment on Ethicon Endo-Surgery, Inc., and the order excluding the testimony of Dr. Ruhi Arslanoglu, by depositing a copy of it in the United States Mail, postage prepaid, on July 3, 2013, addressed to the attorney of record, Jane Thompson Davis, 151 Meeting St., Sixth Floor, Charleston, SC 29401.

July 3, 2013


Carmen Scott
James R. Brauchle
Motley Rice LLC
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
(843) 216-9160
Attorney for Appellant

Carmen S. Scott
Licensed in SC
direct: 843.216.9160
cscott@motleyrice.com

May 13, 2013

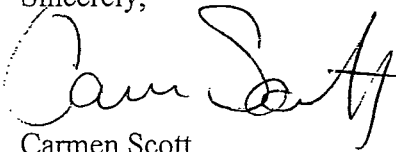
Ms. Rolayne Volpe
P.O. Box 342
Summerville, SC 29484

RE: Emilio Correa et al. v. Bon Secours et al
Case No. 2010-CP-10-9467

Dear Ms. Volpe:

Please allow this letter to serve as a request for a complete copy of the transcript of the motion hearings held on April 3, 2013 in the Charleston County Courthouse before the Honorable Kristi Harrington in the above-captioned matter. The motions heard were Ethicon's Motion for Summary Judgment and Ethicon's Motion to Exclude the testimony of Dr. Ruhi Arslanoglu. Please mail the transcript to me at Motley Rice LLC, 28 Bridgeside Blvd., Mt. Pleasant, SC 29464. Please contact my paralegal, Barbara Mills, at 843.216.9376 if you need any further information. Thank you.

Sincerely,


Carmen Scott



Carmen S. Scott
Licensed in SC
direct: 843.216.9160
cscott@motleyrice.com

June 27, 2013

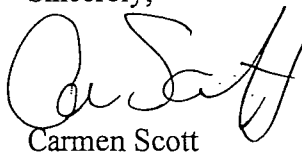
Ms. Rolayne Volpe
P.O. Box 342
Summerville, SC 29484

RE: Emilio Correa et al. v. Bon Secours et al
Case No. 2010-CP-10-9467

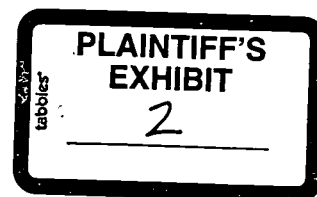
Dear Ms. Volpe:

We had previously written to you on May 13, 2013 regarding the above-captioned matter, but have not had any responses. Please allow this letter to serve as a request for a complete copy of the transcript of the motion hearings held on April 3, 2013 in the Charleston County Courthouse before the Honorable Kristi Harrington in the above-captioned matter. The motions heard were Ethicon's Motion for Summary Judgment and Ethicon's Motion to Exclude the testimony of Dr. Ruhi Arslanoglu. Please mail the transcript to me at Motley Rice LLC, 28 Bridgeside Blvd., Mt. Pleasant, SC 29464. Please contact my paralegal, Barbara Mills, at 843.216.9376 if you need any further information. Thank you.

Sincerely,



Carmen Scott



ROLAYNE M. VOLPE, CCR, RPR
Official Court Reporter for the Ninth Judicial Circuit
State of South Carolina
P.O. Box 342
Summerville, South Carolina 29484
Personal Cell Phone: (615) 337-7355
RolayneVolpe@gmail.com

June 30, 2013

Carmen Scott
MotleyRice LLC
28 Bridgeside Boulevard
Mount Pleasant, South Carolina 29464

Re: Motions heard on April 3, 2013; Case No. 2010-CP-10-9467

Dear Ms. Scott:

This is to acknowledge that I received your transcript request for the afore-mentioned proceeding. I have reviewed my records and estimate that the transcript invoice will be approximately \$325.00 (\$3.25/pg). The State charges \$35.00 additional for E-mail transcripts.

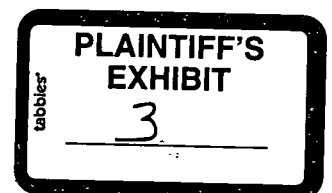
Rule 607 provides that the rate of \$3.25 for an original (or .75 for a copy) shall be charged per page for a transcript. Anything requested expedited is charged pursuant to State guidelines, and I can furnish that information if you decide to order the transcript expedited. **Upon receipt of your deposit, I will be able to place your request in line for production.** If the transcript cost is less, I will refund the difference to you upon delivery of the transcript. If the transcript cost is more, the balance will be due prior to delivery of the transcript.

Under our Rules, I have sixty days in which to complete the transcript after the receipt of your deposit. In addition, I am allowed to request from Court Administration thirty-day extensions, if necessary, to complete the transcript. You will be notified if extensions are granted. If you desire to cancel the request for the transcript, a cancellation request must be made in writing. You will be responsible for payment of any portion of the transcript that has been completed.

Should you have any questions regarding the above information, please contact me at the above address. Thank you for your request in this matter.

Sincerely,

Rolayne M. Volpe, CCR, RPR



Carmen S. Scott
Licensed in SC
direct: 843.216.9160
cscott@motleyrice.com

July 3, 2013

Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: *Emilio Correa and Yunni Correa v. Bon Secours St. Francis Xavier Hospital, Inc., Dr. Samuel Hazell, Ashley River Surgical Associates, and Ethicon Endo-Surgery, Inc.*
Appellate Case No. 2013-001070

Dear Clerk of Court:

Enclosed for filing please find the original and six (6) copies of a Motion to Reconsider the Order dismissing the Appeal of the Order granting Defendant Ethicon Endo-Surgery, Inc's Motion for Summary Judgment and the Appeal of the Order Granting Defendant Ethicon Endo-Surgery, Inc's Motion to Exclude Testimony of Ruhi Arslanoglu, Ph.D. These documents are the subject of the Notices of Appeal previously filed with the Court and assigned appellate case number 2013-001070. Also enclosed is our firm check in the amount of \$25.00 for filing fees. Please let me know if there is anything else you need from me. Thank you.

Sincerely,



Carmen Scott
Motley Rice LLC
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
(843) 216-9160
Attorney for Appellant

cc: Jane Thompson Davis
Nelson Mullins Riley & Scarborough LLP
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Attorney for Respondent

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Joseph J. Tierney
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