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July 18, 2013

VIA HAND DELIVERY
Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
Supreme Court Building
1231 Gervais Street
Columbia, South Carolina 29201

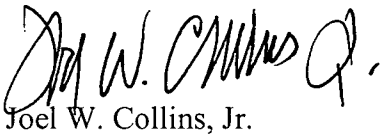
Re: Paresh Shah, M.D. and Paresh Shah, M.D., P.A. v.
Richland Memorial Hospital
Civil Action Number: 1996-CP-40-0271
C&L File Number: 629-108
Appellate Case Number: 2013-000225

Dear Mr. Shearouse:

We noticed two typographical errors in the Petitioners' Reply in Support of Writ of Certiorari for the above matter, which we filed yesterday, July 17, 2013, with your office. The last sentence in the third paragraph on Page 9 should read "There are no segregated stages of QA." On page 12, the last two sentences in the second paragraph should read "It does not separate the QA process from a corrective action. It does just the opposite."

Enclosed please find seven copies (7) of the revised Page 9 and Page 12 to Petitioners' Reply in Support of Writ of Certiorari. Please file the original and return the clocked copy to me via my courier.

Sincerely,



Joel W. Collins, Jr.

JWCjr:srm
Enclosures
cc: Paresh Shah, M.D
Robert F. Goings, Esquire
I.S. Leevy Johnson, Esquire
William T. Toal, Esquire
Robert L. Widener, Esquire
Celeste T. Jones, Esquire
Jane W. Trinkley, Esquire
Frederick A. Crawford, Esquire

In its Return, the hospital accused the attorneys for Dr. Shah of deliberately misquoting the provisions of the Consent Order which dismissed the 2006 action and set a hearing before Judge Early. Specifically the hospital states in its Return Dr. Shah's attorneys deliberately omitted the last line of a sentence which ends with the words "...as may be relevant and admissible therein." (App. 24). If the Court will look at Dr. Shah's Petition for a Writ of Certiorari, Page 8, the Court will see that these words are not omitted. The hospital's attempt to portray Dr. Shah's lawyers as deceitful misquoters is not well founded.

The animus and blatant targeting of Dr. Shah by the CEO of the hospital was shared by others in the hospital leadership. Dr. Stewart, the Chief of Staff in 2003, who was heavily involved in the Dr. Shah matter, and who sent the thirty-five emergency room cases directly to the MEC, acknowledged his awareness that pursuant to the Consent Orders those cases should have been selected and reviewed by Dr. Selby, the Independent Outside Reviewer. (App 2035,6). Dr. Stewart's feelings toward Dr. Shah and, therefore, the proof that he acted willfully is reflected in his sarcastic and critical remarks made when he testified at one of the hearings. (App 2051). Dr. Stewart also hatefully volunteered to Dr. Shah "You wanted to be arrogant and try your best to snub your nose at the medical staff. This is wrong. And so, what you are doing is paying the price for it." (App. 2033).

The hospital contends in its Return Dr. Shah is advancing arguments he did not make below. It was, in fact, the hospital who injected new issues never raised below by placing in the Order signed by Judge Early the notion there were several stages of QA and that the Orders of Judge Keesley only applied to the earliest stage of QA. There are no segregated stages of QA.

A substantial part of the hospital's Return is the construction of an argument that the Huellmantel case does not apply because in that case the physician practiced at a public hospital,

President of Palmetto Health, to members of the Hearing Committees, and to others, together with his several Petitions for Rule to Show Cause destroy any notion that the hospital's numerous instances of violating the Orders were merely inadvertent and did not rise to the level of willful violations. All three Chiefs of Staff have acknowledged in their testimony they were knowledgeable of the Court Orders relating to Dr. Shah (App. 1024, 1909, 1911, 1918, 1933, 2036, 2047, 2053, 2147, 2148). Attorney Frederick A. Crawford sent a letter to Dr. Selby, the Independent Outside Reviewer, and reminded him that Judge Keesley required that "every effort should be made to make the review [of Dr. Shah] as similar as possible to customary and prevailing procedures followed for every other person on the medical staff." (App. 2438). The CEO of the hospital knew about the Orders. (App. 1884). This Court will never see a case where the conduct of the litigant before it was more willful than the conduct of the hospital in this case.

The hospital weaves an argument that the Circuit Court and the Court of Appeals got it right when they concluded Judge Keesley's orders only dealt with the initial stage of QA and not to later related proceedings such as a corrective action. A careful reading of the Supplemental Order totally refutes this argument. The Supplement Order contemplated the selection and review of the medical cases by the Independent Outside Reviewer and, if the reviewer found a deviation from the standard of care, he was to send the matter to the MEC pursuant to the Section 10.2.2 (b) of the by-laws. (App. 19). The Supplemental Order goes on to address how a corrective action was to be handled if the Independent Outside Reviewer found a violation of the standard of care in medical cases. It specifically refers to a corrective action. It does not separate the QA process from a corrective action. It does just the opposite. (App. 19-20).

The notion that there are various discrete stages of QA is a concoction of the hospital's attorneys as they prepared the Order which Judge Early signed. There is no evidence to support