

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
In the Court of Common Pleas
Doyet A. Early, III, Circuit Court Judge

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

RECEIVED

Supreme Court Appellate Case No. 2013-000225

JUL 23 2013

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

S.C. Supreme Court

v.

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

MOTION FOR LEAVE TO FILE A
SUR-REPLY TO PETITIONER'S REPLY IN SUPPORT OF WRIT OF CERTIORARI

The Respondent (Palmetto) respectfully requests leave of this Court to file a sur-reply to the Reply in Support of Writ of Certiorari filed by the Petitioner (Shah). The sur-reply is less than two pages long, is conditionally filed with this motion, and is attached to this motion.¹

The sur-reply responds to a gross factual mis-statement made in Shah's Reply that is critical to the question of whether Shah's argument regarding the 35 Emergency Room Cases is properly before this Court as a ground for certiorari. The sur-reply also responds to Shah's mischaracterization of Palmetto's argument on Shah's "artful" redaction of the 2008 Consent Order, which is critical to the question of what issues were properly before the trial court.

¹ Undersigned counsel for Appellant Palmetto has practiced almost exclusively before this Court and the South Carolina Court of Appeals for the past 18 years. This is first time that he has sought leave to file a sur-reply.

Respectfully Submitted,



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July 23, 2013
Columbia, SC

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v.

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

CERTIFICATE OF SERVICE

I, Ann Shuler, an employee of the McNair Law Firm, certify that I have served the **Motion for Leave to File Sur-Reply to Petitioner’s Reply in Support of Writ of Certiorari and Sur-Reply to Petitioner’s Reply in Support of Writ of Certiorari** by depositing a copy in the United States Mail, postage prepaid, on July 23, 2013; addressed to the attorney for the Appellants, as follows:

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