

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Circuit Court

G. Thomas Cooper, Circuit Court Judge

CASE NO.: 2005-CP-40-04191

RECEIVED
JUL 19 2013
EC
SC COURT OF APPEALS

ELIZABETH MCCULLAR, and
J.W. MCCULLAR,

Plaintiff-Appellant,

v.

JOANNE DUKES CAMPBELL, AS
PERSONAL REPRESENTATIVE OF
THE ESTATE OF WILLIAM COX
CAMPBELL, M.D., ,

Defendant-Respondent.

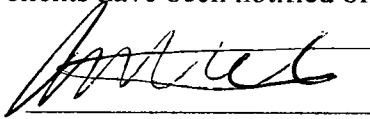
AMENDED MOTION TO REINSTATE APPEAL

The Appellants, Elizabeth and J.W. McCullar, by and through undersigned counsel, hereby move this honorable court to reinstate the above-captioned appeal, which was administratively dismissed by an Order issued June 25, 2013 and which was remitted to the lower court on or about July 11, 2013. The reason for the dismissal was that the Court did not receive notice that the transcript had been ordered, although the transcript had been ordered. Appellants again submit copies of correspondence with the court reporter showing that the transcript was requested on May 28, 2013 and that a requested payment was tendered to the court reporter on June 4, 2013.

In addition, upon the suggestion of others, undersigned counsel would attest that he inadvertantly misplaced the notice of dismissal from the court, which was issued on June 25, 2013. Undersigned counsel had previously discharged his paralegal on June 7, 2013. Thereafter, on June 17, 2013, undersigned counsel suffered an apparent seizure and was admitted to Lexington Medical Center from June 17 until June 21. The following week, while working a limited schedule, undersigned counsel retrieved a volume of mail from his post office box. The Order of dismissal was among this bundle. However, the letter containing the Order of dismissal was inadvertantly placed in a satchel, and was not retrieved when the undersigned counsel returned to his office. Upon opening the envelope containing the remittitur, undersigned counsel conducted a search

for the letter containing the previously issued Order of dismissal, and found it in his satchel. Undersigned counsel recognizes that he mishandled this mail, and further acknowledges that he alone was responsible for its proper handling. Nonetheless, the undersigned includes this information upon the chance that it may benefit the clients' motion to reinstate the appeal. The clients have been notified of all of the foregoing.

07/17/13



Kevin Hayne Sitnik
Post Office Box 389
Irmo, South Carolina
Attorney for Appellant
(803) 520-6573 (OFFICE)
(803) 767-1343 (MOBILE)
kevin@thesouthcarolinalegalfirm.com
Attorney for Plaintiff-Appellant

Other Counsel of Record:

Kay G. Crowe, Esquire
BARNES, ALFROD, STORK & JOHNSON, L.L.P.
Post Office Box 8448
Columbia, SC 29202

Attorney for Defendant

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Certificate of Service

I certify that I have served the Amended Motion to Reinstate Appeal on counsel for the Respondent at the following address:

Kay G. Crowe, Esquire
BARNES, ALFROD, STORK & JOHNSON, L.L.P.
Post Office Box 8448
Columbia, SC 29202

07/16/13



Kevin Hayne Sitnik
Post Office Box 389
Irmo, South Carolina
Attorney for Appellant
(803) 520-6573 (OFFICE)
(803) 767-1343 (MOBILE)
kevin@thesouthcarolinalegalfirm.com
Attorney for Plaintiff-Appellant