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May 31 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Jennifer B. McCoy, Circuit Court Judge

Appellate Case No. 2020-000968

Cynthia Holmes, M.D., Respondent/Appellant,

v.

Haynsworth Sinkler Boyd, P.A., successor to
Sinkler & Boyd, P.A., Manton Grier, and James Y. Becker
Defendants

Of which Haynsworth Sinkler Boyd, P.A., successor to
Sinkler & Boyd, P.A. is the Appellant/Respondent.

REPLY OF PETITIONER

RE: Petition for Rehearing

Chalmers Johnson
PO Box 1575
Port Orchard, WA 98366
425.999.0900
Attorney for Respondent/Appellant

Mary M. Caskey
1201 Main St. #2200
Columbia, SC 29201
Attorney for the Appellant/Respondent

Appellant submitted a petition for rehearing, *en banc*, pursuant to Rule 221 and 240, SCACR. The Court issued an Order allowing the Respondent to file a response, which it did. Having reviewed the Respondents response, the Petitioner is offering a brief reply.

The Petitioner raised the issue that the Court's opinion completely ignores the Supreme Court decision of *Carr v. Guerard*, 365 S.C. 151, 153 (S.C. 2005). The Respondent's brief also completely fails to address the holding from *Carr v. Guerard*. In fact, it does not even mention the case. Thus, the Respondent's brief is non-responsive to the petition. Even if the South Carolina statute of repose for taking action to recover on a judgment could be extended (Petitioner does not concede that it was or could be extended by the bankruptcy Court), that would be completely immaterial, as the holding from *Carr v. Guerard* unequivocally states that standing to collect on a judgment is absolutely and finally extinguished after 10 years. A party simply can not take legal action in a matter if he, she, or it does not have standing to do so.

CONCLUSION

The Appellate Court should grant a rehearing on this matter, *en banc*, and *De Novo*, under Rules 221 and 240, SCACR. The Appellate panel in this case has overlooked the Supreme Court Opinion from *Carr v. Guerard*, 365 S.C. 151 (S.C. 2005), which precludes its holding. Respondent has offered no argument on the issue and has, as the Appeals panel did, completely ignored the existence of the Supreme Court's opinion and the standing law of the State of South Carolina.

Respectfully submitted,



Chalmers Johnson
PO Box 1575
Port Orchard, WA 98366
425.999.0900
Attorney for the Respondent/Appellant

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Sinkler & Boyd, P.A. is the Appellant/Respondent.

PROOF OF SERVICE

I certify that I have served a copy of the Petitioner's Reply Re: Petition for Rehearing on the respondents by depositing a copy of it in the United States Mail, postage prepaid, addressed to Mary Caskey, Mary Caskey Box 11889, Columbia, SC 29201, and by emailing the same to Ms. Caskey at mcaskey@hsblawfirm.com on this date.

Dated May 31, 2024



Chalmers Johnson
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For Appellant

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SC Court of Appeals
Clerk of Court, Attn: Catherine S. Harrison
1220 Senate Street
Columbia, SC 29201

Re: Cynthia Holmes v. Haynsworth
Appellate Case No. 2020-000968

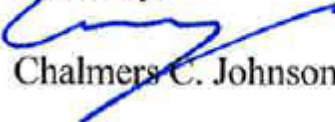
Dear Ms. Harrison:

Enclosed please find the following:

1. 6 Copies of Respondent-Appellant's Reply re: Petition for Rehearing
2. Certificate of Service

I have faxed this petition and filed electronically with the Court as well.

Sincerely,



Chalmers C. Johnson

Cc: (With one copy of the Petition and Certificate of service) Mary Caskey Box 11889, Columbia, SC 29211 Also by email mcaskey@hsblawfirm.com