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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas

Marvin H. Dukes III, Circuit Court Judge

Case No. 2024-CP-46-03641

Saket Singh, M.D.

Respondent,

v.

Anesthesia Associates of  
Rock Hill, P.A.,

Appellant.

NOTICE OF REMOVAL TO FEDERAL COURT

Appellant Anesthesia Associates of Rock Hill, P.A. (“Appellant”), by and through its undersigned counsel, hereby gives notice that this matter has been removed to the United States District Court for the District of South Carolina, Rock Hill Division, as authorized pursuant to 28 U.S.C. §§ 1331, 1367(a), 1441(a), and 1446. Appellant’s removal of this action to that Court is based upon federal question and supplemental jurisdiction over an Amended Complaint filed in the lower court action adding federal law claims. A copy of the *Notice of Removal* is hereby filed with the South Carolina Court of Appeals in accordance with the provisions of 28 U.S.C. § 1446(d) and is attached hereto as Exhibit 1. A copy of the *Notice of Removal* has also been served upon the Plaintiff in this matter.

[INTENTIONALLY BLANK]

February 6, 2025

s/ H. Bernard Tisdale III  
H. Bernard Tisdale III (#12823)  
Van Hoy Reutlinger, Adams,  
Pierce & Tisdale, PLLC  
737 East Boulevard  
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Attorney for Appellant

Other Counsel of Record:  
David E. Rothstein  
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1312 Augusta Street  
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Attorney for Respondent

# EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

CIVIL ACTION NO.: 0:25-cv-00696-CMC-SVH

Saket Singh, M.D., Individually and in a )  
Derivative Capacity on Behalf of )  
Anesthesia Associates of Rock Hill, P.A., )  
 )  
Plaintiff, )

vs. )

**DEFENDANTS’ NOTICE OF REMOVAL  
TO FEDERAL COURT**

Anesthesia Associates of Rock Hill, P.A., )  
David J. Brenneman, M.D., Richard L. )  
Richter, M.D., Mark T. Hooten, M.D., and )  
Douglas J. Forrester, M.D., )  
 )  
Defendants. )

**TO: UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA**

**NOW COME** Defendants Anesthesia Associates of Rock Hill, P.A. (“AARH”), David J. Brenneman, M.D., Richard L. Richter, M.D., Mark T. Hooten, M.D., and Douglas J. Forrester, M.D. (“Defendants”), by and through their undersigned counsel, and respectfully remove the above-entitled action from the Sixteenth Judicial Circuit of the Court of Common Pleas in York County, South Carolina (“State Court”) and the South Carolina Court of Appeals (“Court of Appeals”), to the United States District Court for the District of South Carolina, Rock Hill Division, pursuant to 28 U.S.C. §§ 1331, 1367(a), 1441(a), and 1446. This action is being removed to federal court based on federal question and supplemental jurisdiction.

In support of their Notice of Removal, Defendants state as follows:

1. This action is being removed to federal court based on federal question jurisdiction pursuant to 28 U.S.C. § 1331, in that claims made in the action arise under the laws of the United States, namely 42 U.S.C. § 1981.

2. On or about September 12, 2024, in the State Court, Plaintiff filed a civil action against AARH entitled: *Saket Singh, M.D. vs. Anesthesia Associates of Rock Hill, P.A.*, File No.: 2024-CP-46-03641(the “State Action”).

3. On or about September 17, 2024, AARH accepted service of the State Action Summons and Complaint.

4. Pursuant to the provisions of 28 U.S.C. § 1446, true and accurate copies of the State Action Summons and Complaint are attached hereto as **Exhibit A** and are incorporated herein by reference.

5. On or about January 22, 2025, Plaintiff filed an Amended Summons and Amended Complaint (the “Amended Pleadings”) in the State Action adding multiple claims and parties to the action, and it is styled: *Saket Singh, M.D., Individually and in a Derivative Capacity on Behalf of Anesthesia Associates of Rock Hill, P.A. vs. Anesthesia Associates of Rock Hill, P.A., David J. Brenneman, M.D., Richard L. Richter, M.D., Mark T. Hooten, M.D., and Douglas J. Forrester, M.D.*

6. On or about January 24, 2025, Defendants accepted service of the Amended Pleadings.

7. Plaintiff asserts multiple causes of action in the Amended Pleadings. Two of the causes of action are based upon 42 U.S.C. § 1981 thus giving federal question jurisdiction to federal court. The United States District Court for the District of South Carolina has supplemental jurisdiction over the remaining claims pursuant to 28 U.S.C. § 1367(a).

8. Pursuant to the provisions of 28 U.S.C. § 1446, true and accurate copies of the Amended Pleadings are attached hereto as **Exhibit B** and are incorporated herein by reference.

9. Before the filing and service of the Amended Pleadings, AARH appealed to the Court of Appeals from an order issued by the State Court on November 7, 2024. This appeal is

still pending before the Court of Appeals. True and accurate copies of the November 7, 2024, State Court Order, and AARH's Notices of Appeal filed with the State Court and with the Court of Appeals are attached hereto as **Exhibits C, D, and E**, respectively.

10. This Notice of Removal is timely filed within thirty (30) days of the earliest date of service of the Amended Pleadings on the Defendants. Accordingly, this Notice is timely filed pursuant to 28 U.S.C. § 1446(b).

11. No further pleadings have occurred in the State Action after service of the Amended Pleadings. Defendants have not served any answer or other responsive pleading to the Amended Pleadings, nor made any appearance, argument, or request for relief before the State Court in response to the Amended Pleadings.

12. The United States District Court for the District of South Carolina embraces the district in which the aforementioned State Action is now pending. Therefore, Defendants hereby file their Notice of Removal of this action from the State Court and the Court of Appeals to the United States District Court for the District of South Carolina, Rock Hill Division.

13. As required by 28 U.S.C. § 1446(d), Defendant is serving written notice of the filing of this *Notice of Removal to Federal Court* on the Plaintiff and is promptly causing to be filed a *Notice to State Court of Removal to Federal Court* with: i) the Clerk of the Circuit Court for York County, South Carolina, including as an exhibit this *Notice of Removal to Federal Court*, a copy of which is attached hereto as **Exhibit F**, and ii) the Clerk of the South Carolina Court of Appeals, including as an exhibit this *Notice of Removal to Federal Court*, a copy of which is attached hereto as **Exhibit G**.

14. Defendants submit this Notice without waiving any defenses to the claims asserted by Plaintiff or conceding Plaintiff has claims upon which relief can be granted.

**WHEREFORE** Defendants pray that this action be removed from the State Court and the Court of Appeals to the United States District Court for the District of South Carolina, Rock Hill Division.

Respectfully submitted this the 6<sup>th</sup> day of February, 2025.

**VAN HOY, REUTLINGER, ADAMS,  
PIERCE & TISDALE, PLLC**

BY: *s/ H. Bernard Tisdale III*  
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*Attorney for Defendants*

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Saket Singh, M.D.

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Appellant.

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PROOF OF SERVICE

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February 6, 2025

H. Bernard Tisdale III (#12823)  
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Phone: (864) 346-3737  
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*Attorney for Appellant*

I, H. Bernard Tisdale III, do hereby certify that the foregoing *Notice of Removal to Federal Court* in the above-captioned matter was served on the Respondent by email, on February 6, 2025, addressed as follows to his attorney of record:

David E. Rothstein, Esq.  
Rothstein Law Firm, PA  
1312 Augusta Street  
Greenville, SC 29605  
(864) 232-5870 (office)  
[drothstein@rothsteinlawfirm.com](mailto:drothstein@rothsteinlawfirm.com)  
Attorney for Respondent

VAN HOY, REUTLINGER, ADAMS,  
PIERCE AND TISDALE, PLLC

By: s/ H. Bernard Tisdale III

Charlotte, North Carolina  
Dated: February 6, 2025