



The South Carolina Court of Appeals

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October 24, 2013

The Honorable Connie Reel-Shearin
180 N Irby St MSC-E Rm B11
Florence SC 29501-3456

REMITTITUR

Re: Pee Dee Health Care v. Nettles, Turbeville & Reddick
Lower Court Case No. 2011CP2100841
Appellate Case No. 2012-213052

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in cursive script that reads "Jerry A. Kitchings".

CLERK

Enclosure

cc: Aimee Jendrzewski Zmroczek
Robert E. Stepp
William Hammond Jordan

Lawrence B. Orr
Roland M. Franklin, Jr.
Kathy Price Elmore
Ashley Bruce Nance

The South Carolina Court of Appeals

Pee Dee Health Care P.A. (PDHC), Tony R. Megna, Josiah S. Matthews, M.D., Alexander H. Cohen, M.D. HTR Management, LLC, MCHG, LLC [MCHG], Katie Noyes, Mark S. Callahan, Warren Mark Matthews, Sr., Benjamin R. Matthews, Eileen Segers, Mary C. Megna, Kim Weatherford, and Barbara Stokes, Kim Munn, Appellants,

v.

1. Attorneys:

Nettles Turbeville and Reddick, E. Leroy Nettles, Sr., Elbert K. Turbeville, Larry G. Reddick, the McNair Law Firm, Celeste T. Jones, and

2. Current Board members of the Lower Florence Hospital District (all being sued in their individual capacities):

Scott W. Askins, James H. Clarke, W. "Scotty" P. Campbell, Floyd L. Keels, and William "Billy" Morris, all in their individual capacities, and

3. Past Board members of the Lower Florence Hospital District (both being sued in their individual capacities):

Joe Landrum, Dan Buschard, and

4. Lake City physicians:

David W. Moon, Albert D. Mims, Ernest M. Atkinson, Richard Ellis, Daniel DeCamps, Steven Askins, Benjamin Wade Lamb, James J. Thomy, Sabrina G. O'Brien, Kristopher Crawford, Brad Russell, Marshall W. White, and

5. Employees(or former Employees) of Lake City Community Hospital:

Mike Faucette, Carmen Polly Holt, Mary Dukes, Pete Bowman, Iris Hanna, John R. "Buddy" Watkins, and

6. Unidentified persons including but not limited to

(a) unidentified employees of Lake Community Hospital who were:

- (i) stationed at the Lake City, SC hospital campus (including its medical offices) and
- (ii) stationed at the Johnsonville, SC medical office, and

(b) others, whose names and identities are unknown to the Plaintiffs, who participated with the Defendants in regard to the acts and omissions complained of by the Plaintiffs as stated herein, all such Defendants whose names are unknown to the Plaintiffs and who are identified herein as multiple Jane Does and multiple John Does,

And

Lower Florence District Board d/b/a Lake City Community Hospital, Defendants,

Of Whom Nettles Turbeville and Reddick, E. Leroy Nettles, Sr., Elbert K. Turbeville, Larry G. Reddick, the McNair Law Firm and Celeste T. Jones are the Respondents.

Appellate Case No. 2012-213052

ORDER

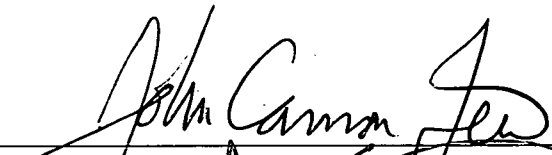
In September 2012, Appellants appealed from two orders of the circuit court, which granted summary judgment in favor of Respondents. On October 23, 2012, Appellants moved for a thirty-day extension of time to serve and file their initial brief and designation of matter, and this court granted the motion. On November 13, 2012, Respondents filed a motion to dismiss, arguing Appellants failed to timely serve their notice of appeal with the Florence County Clerk of Court. This court denied Respondents' motion to dismiss on January 18, 2013, and gave Appellants thirty days to serve and file their initial brief and designation of matter. On February 19, 2013, Appellants requested another extension, and this court granted the motion on March 8, 2013, giving Appellants an additional seven days. On March 26, 2013, Respondents filed a second motion to dismiss, noting that Appellants had missed the recently extended deadline for filing their initial brief. Although Respondents served Appellants with the motion, Appellants did not file a response.

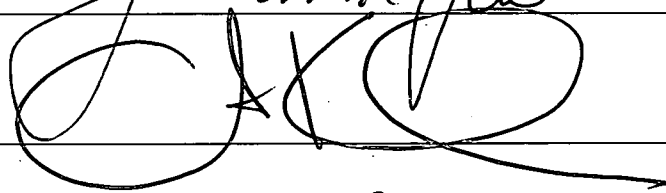
On June 6, 2013, eighty-three days after Appellants should have served and filed their initial brief and designation of matter, this court dismissed Appellants' appeal. Eighteen days later, Appellants filed a motion to reinstate, arguing they never received our order of March 8, 2013.¹ We construe Appellants' motion as a petition to rehear the dismissal of this appeal.


We find Appellants' assertion that they never received our March 8, 2013 order does not amount to good cause under Rule 260(a), SCACR. First, Appellants sat on their February motion for an extension for nearly three months after their brief was due before arguing they never received notice of the extension. Additionally, Respondents' second motion to dismiss specifically stated Appellants' February extension motion had been granted for seven days. Appellants could not have read Respondents' motion to dismiss without realizing their February extension motion had been granted. Finally, the notion that a party may sit and do nothing toward filing its brief more than two months after its due date, and more than two months after the date it requested for an extension, is inconsistent with the Rules of Appellate Procedure. Appellants should have checked with the court to determine the status of their extension motion, or made a motion to file their brief out of time, or *at the bare minimum* responded to Respondents' motion to dismiss.

¹ On July 10, 2013, sixteen days after they filed their motion to reinstate, Appellants filed their initial brief and designation of matter.


The facts and circumstances set forth above indicate conclusively that we properly dismissed this appeal, and that good cause does not exist for reinstatement. The petition for rehearing is therefore denied.


C.J.


J.


A.J.

Columbia, South Carolina

9/11/15
FILED


cc: Aimee Jendrzewski Zmroczek
Robert E. Stepp
William Hammond Jordan
Lawrence B. Orr
Roland M. Franklin, Jr.
Kathy Price Elmore
Ashley Bruce Nance
Connie Reel-Shearin