

**Ballard
Watson Weissenstein**
PERSISTENT. UNWAVERING.

Desa Ballard
Harvey M. Watson III
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Monday, September 23, 2013

Via U.S. Mail

Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

Re: *Ex Parte: Desa Ballard, Ex Parte: Tony R. Megna in re: Pee-Dee
healthCare v. Thompson*
Case No. 2013-001461

Dear Jenny:

Enclosed are eight copies of a document, which I am submitting as Exhibit D to my Motion to Strike filed September 17, 2013. Also enclosed is a Certificate of Service reflecting service of a copy of the additional exhibit on counsel of record.

Please return a file stamped copy to us in the enclosed self-addressed stamped envelope. Thank you for your assistance. With warm personal regards, I am,

Sincerely yours,

Desa Ballard
desab@desaballard.com

c: *(Via US Mail and Email)*
James M. Griffin, Esquire
Ariail E. King, Esquire
Douglas N. Truslow, Esquire

RECEIVED

SEP 24 2013

SC Court of Appeals

Desa Ballard

From: Aimee Zmroczek <ajzlawfirm@gmail.com>
Sent: Tuesday, May 29, 2012 5:54 PM
To: Desa Ballard
Cc: <douglastruslow@truslowlaw.com>; Josey, J. Rene; <pjlaw507@bellsouth.net>; Mara Ballard
Subject: Re: Response after viewing court submissions

I absolutely will not file in light. I was simply responding to the fact that I had requested an opportunity to see and respond to items that had been submitted as part of the record that I had never seen or had a chance to address. I certainly wasn't trying to be improper.
Thanks for addressing your concern. So to reiterate, I will not file anything with the clerk.

Sent from my iPhone

On May 29, 2012, at 5:11 PM, "Desa Ballard" <desab@desaballard.com> wrote:

Aimee:

Since Judge Baxley has not requested additional briefs, we would object to your filing your document with the clerk's office. Please advise.

db

From: Baxley, J. Michael Law Clerk (Mason W. King) [<mailto:JBaxleyLC@sccourts.org>]
Sent: Tuesday, May 29, 2012 5:01 PM
To: Desa Ballard; Aimee J. Zmroczek; Baxley, J. Michael Secretary (Jamie L. Capell); douglastruslow@truslowlaw.com
Cc: Josey, J. Rene; pjlaw507@bellsouth.net; Mara Ballard
Subject: RE: Response after viewing court submissions

We did not request additional briefs from the parties. This matter continues to remain under advisement, and we will be back in touch with the parties soon.

Mason William King
Law Clerk to the Honorable J. Michael Baxley
Circuit Court of the Fourth Judicial Circuit
531 E. Carolina Avenue
Hartsville, South Carolina 29550
Telephone: 843.383.4114
Fax: 843.383.4116
jbaxleylc@sccourts.org

From: Desa Ballard [<mailto:desab@desaballard.com>]
Sent: Tuesday, May 29, 2012 3:08 PM
To: Aimee J. Zmroczek; Baxley, J. Michael Law Clerk (Mason W. King); Baxley, J. Michael Secretary (Jamie L. Capell); baxleyj@sccourts.org; douglastruslow@truslowlaw.com
Cc: Josey, J. Rene; pjlaw507@bellsouth.net; Mara Ballard
Subject: RE: Response after viewing court submissions

Judge Baxley:

I'm confused. I was not aware that you had requested additional briefs. Did you request supplemental briefs from the parties? If so, we would like an opportunity to respond.

db

From: Aimee J. Zmroczek [<mailto:ajzlawfirm@gmail.com>]
Sent: Tuesday, May 29, 2012 2:50 PM
To: JBaxleyLC@sccourts.org; JBaxleySC@sccourts.org; baxleyj@sccourts.org;
douglastruslow@truslowlaw.com; Desa Ballard
Subject: Response after viewing court submissions

Dear Judge Baxley:

I appreciate you allowing me additional time to provide the Court a comprehensive view of the matters at bar based on evidence as opposed to the rhetoric and emotion of the parties. With the goal of bringing matters to a close with minimal additional conflict, my suggestions to resolve the issues are simple and straightforward. After reviewing the submissions to the court on behalf of the plaintiff, I respectfully request Mr. Truslow's motion for sanctions be denied. The substantive allegations he has made, and the documents he has provided, clearly demonstrate that the matters of which he complains occurred while the Court of Appeals had exclusive jurisdiction of the case. That Court considered and wisely denied his motion by unanimous decision. That ruling was un-appealed to the Supreme Court, is final, and is the law of the case. Moreover, *res judicata* bars the issues Mr. Truslow actually raised and could have raised. Respectfully, we are duty-bound to follow the ruling of the Court of Appeals.

Second, the plain language of the "*Weinstein emails*" [Court's Exhibit 1] require the dismissal of the Ms. Ballard's motion before this Court. The "*Weinstein emails*" clearly contradict Ms. Ballard's motion, affidavit and assertions she made at the May 15 hearing.

I have attached and served on all parties via e-mail the following response, which I will also file and mail with the Clerk.

Aimee J. Zmroczek

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM DARLINGTON COUNTY
J. MICHAEL BAXLEY, CIRCUIT COURT JUDGE
TRIAL COURT CASE NO. 07-CP-40-0576 AND 40-CP-16-0332
APPELLATE CASE NO. 2013-001461

Ex Parte: Douglas N. Truslow, Respondent,
Ex Parte: Tony R. Megna, Appellant,
In re:
James Anasti, Plaintiff,
v.
Lance Wilson, Willis Goodwin, Gina L. Anasti Lee,
And nd Richland County Clerk of Court, Defendants.

And

Ex Parte: Desa Ballard, Respondent,
Ex Parte: Tony R. Megna, Appellant,
In re:
Pee Dee HealthCare, P. A., Plaintiff,
v.
Estate of Hugh S. Thompson, Defendant.

RECEIVED

SEP 24 2013

SC Court of Appeals

CERTIFICATE OF SERVICE

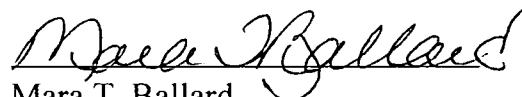
I, Mara T. Ballard, the undersigned employee of Desa Ballard, PA d/b/a
Ballard Watson Weissenstein, do certify that I have served a copy of **Exhibit D** to

ms

the Respondent Desa Ballard's Motion to Strike (filed September 13, 2013) on September 23, 2013, by causing a copy of same to be deposited in the US Mail, proper postage prepaid addressed as follows:

Mr. Douglas N. Truslow, Esquire
Post Office Box 1465
Columbia South Carolina 29202

James M. Griffin, Esquire
Ariail E. King, Esquire
Lewis Babcock & Griffin, LLP
1513 Hampton Street
Columbia South Carolina 29201


Mara T. Ballard

West Columbia, South Carolina
September 23, 2013