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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

DeAndrea Gist Benjamin, Circuit Court Judge

Case No. 2018-CP-29-01127
Appellate Case No. 2022-001589

Paul David Hess, APRN-BC,..... Respondent-Appellant

v.

Morphis Pediatric Group of Lancaster, P.A.; Elizabeth J.
Morphis, M.D.; Gregory M. Alexander, CPA; and
Moore Beauston and Woodham, LLP,..... Defendants

Of whom Morphis Pediatric Group of Lancaster, P.A. and
Elizabeth J. Morphis, M.D. are. Appellants-Respondents

RESPONDENT-APPELLANT’S RETURN TO APPELLANTS-RESPONDENTS’
MOTION TO EXCEED PAGE LIMIT

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Pursuant to Rule 240(e), SCACR, Respondent-Appellant, Paul David Hess, APRN-BC, (hereinafter “Mr. Hess”), by and through his undersigned counsel, hereby files this Return to Appellants-Respondents’ Motion to Exceed Page Limit. Respondent-Appellant objects to the requested, post hoc extension, which Appellants-Respondents describe as being necessary because they “inadvertently exceeded” (Motion, at 1) the 15-page limit for a return to a petition for rehearing as set forth in Rule 221(a), SCACR. Appellants-Respondents’ Petition for Rehearing also disregards the other command in subsection (a) of Rule 221, SCACR, that “the petition shall state with particularity the points supposed to have been overlooked or misapprehended by the court.” Rule 221(a), SCACR. Instead of succinctly identifying discrete issues for rehearing that were supposedly overlooked or misapprehended by the court, Appellants-Respondents’ Petition for Rehearing contains almost a full, copy-and-paste repeat of almost every argument raised in their original briefs, including a five-page recitation of the facts. The court should not excuse this oversight by Appellants-Respondents.

The alternative request by Appellants-Respondents, to be allowed to submit a re-written brief that complies with the 15-page limit, appears to be a back-door effort by Appellants-Respondents to incorporate a reply to Respondent-Appellant’s Return, after Appellants-Respondents missed the five-day deadline in Rule 240(f), SCACR, to file their reply brief. Respondent-Appellant strongly opposes such a remedy.

* * *

For all of the foregoing reasons, Appellants-Respondents' Motion to Exceed Page Limits should be denied.

August 8, 2025

s/ David E. Rothstein
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PROOF OF SERVICE

I certify that I have served the Respondent-Appellant’s Return to Appellants-Respondents’ Motion to Exceed Page Limit on Appellants-Respondents, Morphis Pediatric Group of Lancaster, PA and Elizabeth J. Morphis, M.D., on August 8, 2025, by email addressed to their attorney of record, Charles F. Thompson, Jr. (thompson@mtsolfirm.com), Malone, Thompson, Summers & Ott, 339 Heyward Street, Columbia, SC 29201.

August 8, 2025

s/ David E. Rothstein
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